



Sen. John J. Cullerton

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1 AMENDMENT TO HOUSE BILL 5640

2 AMENDMENT NO. _____. Amend House Bill 5640, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Article 1.

6 Section 5. The Criminal Code of 1961 is amended by adding
7 headings for Subdivisions 1, 5, 10, 15, 20, and 25 of Article
8 12, by adding Section 12-0.1, by changing Sections 12-1, 12-2,
9 12-3, 12-3.1, 12-3.2, 12-3.3, 12-4.5, 12-5, 12-5.1, 12-5.2,
10 12-5.5, 12-6, 12-6.2, 12-6.4, 12-7, 12-7.1, 12-7.3, 12-7.4,
11 12-7.5, 12-7.6, 12-9, 12-10.2, 12-20, 12-20.5, 12-32, 12-33,
12 12-34, and 12-35, and by changing and renumbering Sections
13 12-2.5, 12-2.6, 12-4, 12-5.15, 12-6.1, 12-6.3, 12-16.2, 12-30,
14 12-31, 45-1, and 45-2 as follows:

15 (720 ILCS 5/Art. 12, Subdiv. 1 heading new)

1 SUBDIVISION 1. DEFINITIONS

2 (720 ILCS 5/12-0.1 new)

3 Sec. 12-0.1. Definitions. In this Article, unless the
4 context clearly requires otherwise:

5 "Bona fide labor dispute" means any controversy concerning
6 wages, salaries, hours, working conditions, or benefits,
7 including health and welfare, sick leave, insurance, and
8 pension or retirement provisions, the making or maintaining of
9 collective bargaining agreements, and the terms to be included
10 in those agreements.

11 "Coach" means a person recognized as a coach by the
12 sanctioning authority that conducts an athletic contest.

13 "Correctional institution employee" means a person
14 employed by a penal institution.

15 "Emergency medical technician" includes a paramedic,
16 ambulance driver, first aid worker, hospital worker, or other
17 medical assistance worker.

18 "Family or household members" include spouses, former
19 spouses, parents, children, stepchildren, and other persons
20 related by blood or by present or prior marriage, persons who
21 share or formerly shared a common dwelling, persons who have or
22 allegedly have a child in common, persons who share or
23 allegedly share a blood relationship through a child, persons
24 who have or have had a dating or engagement relationship,
25 persons with disabilities and their personal assistants, and

1 caregivers as defined in Section 12-4.4a of this Code. For
2 purposes of this Article, neither a casual acquaintanceship nor
3 ordinary fraternization between 2 individuals in business or
4 social contexts shall be deemed to constitute a dating
5 relationship.

6 "In the presence of a child" means in the physical presence
7 of a child or knowing or having reason to know that a child is
8 present and may see or hear an act constituting an offense.

9 "Park district employee" means a supervisor, director,
10 instructor, or other person employed by a park district.

11 "Physically handicapped person" means a person who suffers
12 from a permanent and disabling physical characteristic,
13 resulting from disease, injury, functional disorder, or
14 congenital condition.

15 "Private security officer" means a registered employee of a
16 private security contractor agency under the Private
17 Detective, Private Alarm, Private Security, Fingerprint
18 Vendor, and Locksmith Act of 2004.

19 "Sports official" means a person at an athletic contest who
20 enforces the rules of the contest, such as an umpire or
21 referee.

22 "Sports venue" means a publicly or privately owned sports
23 or entertainment arena, stadium, community or convention hall,
24 special event center, or amusement facility, or a special event
25 center in a public park, during the 12 hours before or after
26 the sanctioned sporting event.

1 "Streetgang", "streetgang member", and "criminal street
2 gang" have the meanings ascribed to those terms in Section 10
3 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

4 "Transit employee" means a driver, operator, or employee of
5 any transportation facility or system engaged in the business
6 of transporting the public for hire.

7 "Transit passenger" means a passenger of any
8 transportation facility or system engaged in the business of
9 transporting the public for hire, including a passenger using
10 any area designated by a transportation facility or system as a
11 vehicle boarding, departure, or transfer location.

12 "Utility worker" means any of the following:

13 (1) A person employed by a public utility as defined in
14 Section 3-105 of the Public Utilities Act.

15 (2) An employee of a municipally owned utility.

16 (3) An employee of a cable television company.

17 (4) An employee of an electric cooperative as defined
18 in Section 3-119 of the Public Utilities Act.

19 (5) An independent contractor or an employee of an
20 independent contractor working on behalf of a cable
21 television company, public utility, municipally owned
22 utility, or electric cooperative.

23 (6) An employee of a telecommunications carrier as
24 defined in Section 13-202 of the Public Utilities Act, or
25 an independent contractor or an employee of an independent
26 contractor working on behalf of a telecommunications

1 carrier.

2 (7) An employee of a telephone or telecommunications
3 cooperative as defined in Section 13-212 of the Public
4 Utilities Act, or an independent contractor or an employee
5 of an independent contractor working on behalf of a
6 telephone or telecommunications cooperative.

7 (720 ILCS 5/Art. 12, Subdiv. 5 heading new)

8 SUBDIVISION 5. ASSAULT AND BATTERY

9 (720 ILCS 5/12-1) (from Ch. 38, par. 12-1)

10 Sec. 12-1. Assault.

11 (a) A person commits an assault when, without lawful
12 authority, he or she knowingly engages in conduct which places
13 another in reasonable apprehension of receiving a battery.

14 (b) Sentence. Assault is a Class C misdemeanor.

15 (c) In addition to any other sentence that may be imposed,
16 a court shall order any person convicted of assault to perform
17 community service for not less than 30 and not more than 120
18 hours, if community service is available in the jurisdiction
19 and is funded and approved by the county board of the county
20 where the offense was committed. In addition, whenever any
21 person is placed on supervision for an alleged offense under
22 this Section, the supervision shall be conditioned upon the
23 performance of the community service.

24 This subsection does not apply when the court imposes a

1 sentence of incarceration.

2 (Source: P.A. 88-558, eff. 1-1-95; 89-8, eff. 3-21-95.)

3 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

4 Sec. 12-2. Aggravated assault.

5 (a) Offense based on location of conduct. A person commits
6 aggravated assault when he or she commits an assault against an
7 individual who is on or about a public way, public property, a
8 public place of accommodation or amusement, or a sports venue.

9 (b) Offense based on status of victim. A person commits
10 aggravated assault when, in committing an assault, he or she
11 knows the individual assaulted to be any of the following:

12 (1) A physically handicapped person or a person 60
13 years of age or older and the assault is without legal
14 justification.

15 (2) A teacher or school employee upon school grounds or
16 grounds adjacent to a school or in any part of a building
17 used for school purposes.

18 (3) A park district employee upon park grounds or
19 grounds adjacent to a park or in any part of a building
20 used for park purposes.

21 (4) A peace officer, community policing volunteer,
22 fireman, private security officer, emergency management
23 worker, emergency medical technician, or utility worker:

24 (i) performing his or her official duties;

25 (ii) assaulted to prevent performance of his or her

1 official duties; or

2 (iii) assaulted in retaliation for performing his
3 or her official duties.

4 (5) A correctional officer:

5 (i) performing his or her official duties;

6 (ii) assaulted to prevent performance of his or her
7 official duties; or

8 (iii) assaulted in retaliation for performing his
9 or her official duties.

10 (6) A correctional institution employee or Department
11 of Human Services employee supervising or controlling
12 sexually dangerous persons or sexually violent persons:

13 (i) performing his or her official duties;

14 (ii) assaulted to prevent performance of his or her
15 official duties; or

16 (iii) assaulted in retaliation for performing his
17 or her official duties.

18 (7) An employee of the State of Illinois, a municipal
19 corporation therein, or a political subdivision thereof,
20 performing his or her official duties.

21 (8) A transit employee performing his or her official
22 duties, or a transit passenger.

23 (9) A sports official or coach actively participating
24 in any level of athletic competition within a sports venue,
25 on an indoor playing field or outdoor playing field, or
26 within the immediate vicinity of such a facility or field.

1 (c) Offense based on use of firearm or device. A person
2 commits aggravated assault when, in committing an assault, he
3 or she does any of the following:

4 (1) Uses a deadly weapon or any device manufactured and
5 designed to be substantially similar in appearance to a
6 firearm, other than by discharging a firearm.

7 (2) Discharges a firearm, other than from a motor
8 vehicle.

9 (3) Discharges a firearm from a motor vehicle.

10 (4) Wears a hood, robe, or mask to conceal his or her
11 identity.

12 (5) Knowingly and without lawful justification shines
13 or flashes a laser gun sight or other laser device attached
14 to a firearm, or used in concert with a firearm, so that
15 the laser beam strikes near or in the immediate vicinity of
16 any person.

17 (6) Uses a firearm, other than by discharging the
18 firearm, against a peace officer, community policing
19 volunteer, fireman, private security officer, emergency
20 management worker, emergency medical technician, employee
21 of a police department, employee of a sheriff's department,
22 or traffic control municipal employee:

23 (i) performing his or her official duties;

24 (ii) assaulted to prevent performance of his or her
25 official duties; or

26 (iii) assaulted in retaliation for performing his

1 or her official duties.

2 (d) Sentence. Aggravated assault as defined in subdivision
3 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
4 (c) (1), or (c) (4) is a Class A misdemeanor. Aggravated assault
5 as defined in subdivision (b) (5), (b) (6), (c) (2), (c) (5), or
6 (c) (6) is a Class 4 felony. Aggravated assault as defined in
7 subdivision (c) (3) is a Class 3 felony.

8 ~~(a) A person commits an aggravated assault, when, in~~
9 ~~committing an assault, he:~~

10 ~~(1) Uses a deadly weapon, an air rifle as defined in~~
11 ~~the Air Rifle Act, or any device manufactured and designed~~
12 ~~to be substantially similar in appearance to a firearm,~~
13 ~~other than by discharging a firearm in the direction of~~
14 ~~another person, a peace officer, a person summoned or~~
15 ~~directed by a peace officer, a correctional officer, a~~
16 ~~private security officer, or a fireman or in the direction~~
17 ~~of a vehicle occupied by another person, a peace officer, a~~
18 ~~person summoned or directed by a peace officer, a~~
19 ~~correctional officer, a private security officer, or a~~
20 ~~fireman while the officer or fireman is engaged in the~~
21 ~~execution of any of his official duties, or to prevent the~~
22 ~~officer or fireman from performing his official duties, or~~
23 ~~in retaliation for the officer or fireman performing his~~
24 ~~official duties;~~

25 ~~(2) Is hooded, robed or masked in such manner as to~~
26 ~~conceal his identity or any device manufactured and~~

1 ~~designed to be substantially similar in appearance to a~~
2 ~~firearm;~~

3 ~~(3) Knows the individual assaulted to be a teacher or~~
4 ~~other person employed in any school and such teacher or~~
5 ~~other employee is upon the grounds of a school or grounds~~
6 ~~adjacent thereto, or is in any part of a building used for~~
7 ~~school purposes;~~

8 ~~(4) Knows the individual assaulted to be a supervisor,~~
9 ~~director, instructor or other person employed in any park~~
10 ~~district and such supervisor, director, instructor or~~
11 ~~other employee is upon the grounds of the park or grounds~~
12 ~~adjacent thereto, or is in any part of a building used for~~
13 ~~park purposes;~~

14 ~~(5) Knows the individual assaulted to be a caseworker,~~
15 ~~investigator, or other person employed by the Department of~~
16 ~~Healthcare and Family Services (formerly State Department~~
17 ~~of Public Aid), a County Department of Public Aid, or the~~
18 ~~Department of Human Services (acting as successor to the~~
19 ~~Illinois Department of Public Aid under the Department of~~
20 ~~Human Services Act) and such caseworker, investigator, or~~
21 ~~other person is upon the grounds of a public aid office or~~
22 ~~grounds adjacent thereto, or is in any part of a building~~
23 ~~used for public aid purposes, or upon the grounds of a home~~
24 ~~of a public aid applicant, recipient or any other person~~
25 ~~being interviewed or investigated in the employees'~~
26 ~~discharge of his duties, or on grounds adjacent thereto, or~~

1 ~~is in any part of a building in which the applicant,~~
2 ~~recipient, or other such person resides or is located;~~

3 ~~(6) Knows the individual assaulted to be a peace~~
4 ~~officer, a community policing volunteer, a private~~
5 ~~security officer, or a fireman while the officer or fireman~~
6 ~~is engaged in the execution of any of his official duties,~~
7 ~~or to prevent the officer, community policing volunteer, or~~
8 ~~fireman from performing his official duties, or in~~
9 ~~retaliation for the officer, community policing volunteer,~~
10 ~~or fireman performing his official duties, and the assault~~
11 ~~is committed other than by the discharge of a firearm in~~
12 ~~the direction of the officer or fireman or in the direction~~
13 ~~of a vehicle occupied by the officer or fireman;~~

14 ~~(7) Knows the individual assaulted to be an emergency~~
15 ~~medical technician — ambulance, emergency medical~~
16 ~~technician — intermediate, emergency medical technician —~~
17 ~~paramedic, ambulance driver or other medical assistance or~~
18 ~~first aid personnel engaged in the execution of any of his~~
19 ~~official duties, or to prevent the emergency medical~~
20 ~~technician — ambulance, emergency medical technician —~~
21 ~~intermediate, emergency medical technician — paramedic,~~
22 ~~ambulance driver, or other medical assistance or first aid~~
23 ~~personnel from performing his official duties, or in~~
24 ~~retaliation for the emergency medical technician —~~
25 ~~ambulance, emergency medical technician — intermediate,~~
26 ~~emergency medical technician — paramedic, ambulance~~

1 ~~driver, or other medical assistance or first aid personnel~~
2 ~~performing his official duties;~~

3 ~~(8) Knows the individual assaulted to be the driver,~~
4 ~~operator, employee or passenger of any transportation~~
5 ~~facility or system engaged in the business of~~
6 ~~transportation of the public for hire and the individual~~
7 ~~assaulted is then performing in such capacity or then using~~
8 ~~such public transportation as a passenger or using any area~~
9 ~~of any description designated by the transportation~~
10 ~~facility or system as a vehicle boarding, departure, or~~
11 ~~transfer location;~~

12 ~~(9) Or the individual assaulted is on or about a public~~
13 ~~way, public property, or public place of accommodation or~~
14 ~~amusement;~~

15 ~~(9.5) Is, or the individual assaulted is, in or about a~~
16 ~~publicly or privately owned sports or entertainment arena,~~
17 ~~stadium, community or convention hall, special event~~
18 ~~center, amusement facility, or a special event center in a~~
19 ~~public park during any 24 hour period when a professional~~
20 ~~sporting event, National Collegiate Athletic Association~~
21 ~~(NCAA) sanctioned sporting event, United States Olympic~~
22 ~~Committee sanctioned sporting event, or International~~
23 ~~Olympic Committee sanctioned sporting event is taking~~
24 ~~place in this venue;~~

25 ~~(10) Knows the individual assaulted to be an employee~~
26 ~~of the State of Illinois, a municipal corporation therein~~

1 ~~or a political subdivision thereof, engaged in the~~
2 ~~performance of his authorized duties as such employee;~~

3 ~~(11) Knowingly and without legal justification,~~
4 ~~commits an assault on a physically handicapped person;~~

5 ~~(12) Knowingly and without legal justification,~~
6 ~~commits an assault on a person 60 years of age or older;~~

7 ~~(13) Discharges a firearm, other than from a motor~~
8 ~~vehicle;~~

9 ~~(13.5) Discharges a firearm from a motor vehicle;~~

10 ~~(14) Knows the individual assaulted to be a~~
11 ~~correctional officer, while the officer is engaged in the~~
12 ~~execution of any of his or her official duties, or to~~
13 ~~prevent the officer from performing his or her official~~
14 ~~duties, or in retaliation for the officer performing his or~~
15 ~~her official duties;~~

16 ~~(15) Knows the individual assaulted to be a~~
17 ~~correctional employee or an employee of the Department of~~
18 ~~Human Services supervising or controlling sexually~~
19 ~~dangerous persons or sexually violent persons, while the~~
20 ~~employee is engaged in the execution of any of his or her~~
21 ~~official duties, or to prevent the employee from performing~~
22 ~~his or her official duties, or in retaliation for the~~
23 ~~employee performing his or her official duties, and the~~
24 ~~assault is committed other than by the discharge of a~~
25 ~~firearm in the direction of the employee or in the~~
26 ~~direction of a vehicle occupied by the employee;~~

1 ~~(16) Knows the individual assaulted to be an employee~~
2 ~~of a police or sheriff's department, or a person who is~~
3 ~~employed by a municipality and whose duties include traffic~~
4 ~~control, engaged in the performance of his or her official~~
5 ~~duties as such employee;~~

6 ~~(17) Knows the individual assaulted to be a sports~~
7 ~~official or coach at any level of competition and the act~~
8 ~~causing the assault to the sports official or coach~~
9 ~~occurred within an athletic facility or an indoor or~~
10 ~~outdoor playing field or within the immediate vicinity of~~
11 ~~the athletic facility or an indoor or outdoor playing field~~
12 ~~at which the sports official or coach was an active~~
13 ~~participant in the athletic contest held at the athletic~~
14 ~~facility. For the purposes of this paragraph (17), "sports~~
15 ~~official" means a person at an athletic contest who~~
16 ~~enforces the rules of the contest, such as an umpire or~~
17 ~~referee; and "coach" means a person recognized as a coach~~
18 ~~by the sanctioning authority that conducted the athletic~~
19 ~~contest;~~

20 ~~(18) Knows the individual assaulted to be an emergency~~
21 ~~management worker, while the emergency management worker~~
22 ~~is engaged in the execution of any of his or her official~~
23 ~~duties, or to prevent the emergency management worker from~~
24 ~~performing his or her official duties, or in retaliation~~
25 ~~for the emergency management worker performing his or her~~
26 ~~official duties, and the assault is committed other than by~~

1 ~~the discharge of a firearm in the direction of the~~
2 ~~emergency management worker or in the direction of a~~
3 ~~vehicle occupied by the emergency management worker; or~~

4 ~~(19) Knows the individual assaulted to be a utility~~
5 ~~worker, while the utility worker is engaged in the~~
6 ~~execution of his or her duties, or to prevent the utility~~
7 ~~worker from performing his or her duties, or in retaliation~~
8 ~~for the utility worker performing his or her duties. In~~
9 ~~this paragraph (19), "utility worker" means a person~~
10 ~~employed by a public utility as defined in Section 3-105 of~~
11 ~~the Public Utilities Act and also includes an employee of a~~
12 ~~municipally owned utility, an employee of a cable~~
13 ~~television company, an employee of an electric cooperative~~
14 ~~as defined in Section 3-119 of the Public Utilities Act, an~~
15 ~~independent contractor or an employee of an independent~~
16 ~~contractor working on behalf of a cable television company,~~
17 ~~public utility, municipally owned utility, or an electric~~
18 ~~cooperative, or an employee of a telecommunications~~
19 ~~carrier as defined in Section 13-202 of the Public~~
20 ~~Utilities Act, an independent contractor or an employee of~~
21 ~~an independent contractor working on behalf of a~~
22 ~~telecommunications carrier, or an employee of a telephone~~
23 ~~or telecommunications cooperative as defined in Section~~
24 ~~13-212 of the Public Utilities Act, or an independent~~
25 ~~contractor or an employee of an independent contractor~~
26 ~~working on behalf of a telephone or telecommunications~~

1 ~~cooperative.~~

2 ~~(a-5) A person commits an aggravated assault when he or she~~
3 ~~knowingly and without lawful justification shines or flashes a~~
4 ~~laser gunsight or other laser device that is attached or~~
5 ~~affixed to a firearm, or used in concert with a firearm, so~~
6 ~~that the laser beam strikes near or in the immediate vicinity~~
7 ~~of any person.~~

8 ~~(b) Sentence.~~

9 ~~Aggravated assault as defined in paragraphs (1) through (5)~~
10 ~~and (8) through (12) and (17) and (19) of subsection (a) of~~
11 ~~this Section is a Class A misdemeanor. Aggravated assault as~~
12 ~~defined in paragraphs (13), (14), and (15) of subsection (a) of~~
13 ~~this Section and as defined in subsection (a-5) of this Section~~
14 ~~is a Class 4 felony. Aggravated assault as defined in~~
15 ~~paragraphs (6), (7), (16), and (18) of subsection (a) of this~~
16 ~~Section is a Class A misdemeanor if a firearm is not used in~~
17 ~~the commission of the assault. Aggravated assault as defined in~~
18 ~~paragraphs (6), (7), (16), and (18) of subsection (a) of this~~
19 ~~Section is a Class 4 felony if a firearm is used in the~~
20 ~~commission of the assault. Aggravated assault as defined in~~
21 ~~paragraph (13.5) of subsection (a) is a Class 3 felony.~~

22 ~~(c) For the purposes of paragraphs (1) and (6) of~~
23 ~~subsection (a), "private security officer" means a registered~~
24 ~~employee of a private security contractor agency under the~~
25 ~~Private Detective, Private Alarm, Private Security,~~
26 ~~Fingerprint Vendor, and Locksmith Act of 2004.~~

1 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;
2 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.
3 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; revised
4 11-4-09.)

5 (720 ILCS 5/12-3) (from Ch. 38, par. 12-3)
6 Sec. 12-3. Battery.

7 (a) A person commits battery if he or she ~~intentionally or~~
8 knowingly without legal justification ~~and~~ by any means, (1)
9 causes bodily harm to an individual or (2) makes physical
10 contact of an insulting or provoking nature with an individual.

11 (b) Sentence.

12 Battery is a Class A misdemeanor.

13 (Source: P.A. 77-2638.)

14 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)
15 Sec. 12-3.05 ~~12-4~~. Aggravated battery ~~Battery~~.

16 (a) Offense based on injury. A person commits aggravated
17 battery when, in committing a battery, other than by the
18 discharge of a firearm, he or she knowingly does any of the
19 following:

20 (1) Causes great bodily harm or permanent disability or
21 disfigurement.

22 (2) Causes severe and permanent disability, great
23 bodily harm, or disfigurement by means of a caustic or
24 flammable substance, a poisonous gas, a deadly biological

1 or chemical contaminant or agent, a radioactive substance,
2 or a bomb or explosive compound.

3 (3) Causes great bodily harm or permanent disability or
4 disfigurement to an individual whom the person knows to be
5 a peace officer, community policing volunteer, fireman,
6 private security officer, correctional institution
7 employee, or Department of Human Services employee
8 supervising or controlling sexually dangerous persons or
9 sexually violent persons:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (4) Causes great bodily harm or permanent disability or
16 disfigurement to an individual 60 years of age or older.

17 (b) Offense based on injury to a child or mentally retarded
18 person. A person who is at least 18 years of age commits
19 aggravated battery when, in committing a battery, he or she
20 knowingly and without legal justification by any means:

21 (1) causes great bodily harm or permanent disability or
22 disfigurement to any child under the age of 13 years, or to
23 any severely or profoundly mentally retarded person; or

24 (2) causes bodily harm or disability or disfigurement
25 to any child under the age of 13 years or to any severely
26 or profoundly mentally retarded person.

1 (c) Offense based on location of conduct. A person commits
2 aggravated battery when, in committing a battery, other than by
3 the discharge of a firearm, he or she is or the person battered
4 is on or about a public way, public property, a public place of
5 accommodation or amusement, a sports venue, or a domestic
6 violence shelter.

7 (d) Offense based on status of victim. A person commits
8 aggravated battery when, in committing a battery, other than by
9 discharge of a firearm, he or she knows the individual battered
10 to be any of the following:

11 (1) A person 60 years of age or older.

12 (2) A person who is pregnant or physically handicapped.

13 (3) A teacher or school employee upon school grounds or
14 grounds adjacent to a school or in any part of a building
15 used for school purposes.

16 (4) A peace officer, community policing volunteer,
17 fireman, private security officer, correctional
18 institution employee, or Department of Human Services
19 employee supervising or controlling sexually dangerous
20 persons or sexually violent persons:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (5) A judge, emergency management worker, emergency

1 medical technician, or utility worker:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (6) An officer or employee of the State of Illinois, a
8 unit of local government, or a school district, while
9 performing his or her official duties.

10 (7) A transit employee performing his or her official
11 duties, or a transit passenger.

12 (8) A taxi driver on duty.

13 (9) A merchant who detains the person for an alleged
14 commission of retail theft under Section 16A-5 of this Code
15 and the person without legal justification by any means
16 causes bodily harm to the merchant.

17 (e) Offense based on use of a firearm. A person commits
18 aggravated battery when, in committing a battery, he or she
19 knowingly does any of the following:

20 (1) Discharges a firearm, other than a machine gun or a
21 firearm equipped with a silencer, and causes any injury to
22 another person.

23 (2) Discharges a firearm, other than a machine gun or a
24 firearm equipped with a silencer, and causes any injury to
25 a person he or she knows to be a peace officer, community
26 policing volunteer, person summoned by a police officer,

1 fireman, private security officer, correctional
2 institution employee, or emergency management worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (3) Discharges a firearm, other than a machine gun or a
9 firearm equipped with a silencer, and causes any injury to
10 a person he or she knows to be an emergency medical
11 technician employed by a municipality or other
12 governmental unit:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

18 (4) Discharges a firearm and causes any injury to a
19 person he or she knows to be a teacher or school employee
20 upon school grounds or grounds adjacent to a school or in
21 any part of a building used for school purposes.

22 (5) Discharges a machine gun or a firearm equipped with
23 a silencer, and causes any injury to another person.

24 (6) Discharges a machine gun or a firearm equipped with
25 a silencer, and causes any injury to a person he or she
26 knows to be a peace officer, community policing volunteer,

1 person summoned by a police officer, fireman, private
2 security officer, correctional institution employee or
3 emergency management worker:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (7) Discharges a machine gun or a firearm equipped with
10 a silencer, and causes any injury to a person he or she
11 knows to be an emergency medical technician employed by a
12 municipality or other governmental unit:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

18 (8) Discharges a machine gun or a firearm equipped with
19 a silencer, and causes any injury to a person he or she
20 knows to be a teacher or school employee upon school
21 grounds or grounds adjacent to a school or in any part of a
22 building used for school purposes.

23 (f) Offense based on use of a weapon or device. A person
24 commits aggravated battery when, in committing a battery, he or
25 she does any of the following:

26 (1) Uses a deadly weapon other than by discharge of a

1 firearm.

2 (2) Wears a hood, robe, or mask to conceal his or her
3 identity.

4 (3) Knowingly and without lawful justification shines
5 or flashes a laser gunsight or other laser device attached
6 to a firearm, or used in concert with a firearm, so that
7 the laser beam strikes upon or against the person of
8 another.

9 (g) Offense based on certain conduct. A person commits
10 aggravated battery when, other than by discharge of a firearm,
11 he or she does any of the following:

12 (1) Violates Section 401 of the Illinois Controlled
13 Substances Act by unlawfully delivering a controlled
14 substance to another and any user experiences great bodily
15 harm or permanent disability as a result of the injection,
16 inhalation, or ingestion of any amount of the controlled
17 substance.

18 (2) Knowingly administers to an individual or causes
19 him or her to take, without his or her consent or by threat
20 or deception, and for other than medical purposes, any
21 intoxicating, poisonous, stupefying, narcotic, anesthetic,
22 or controlled substance, or gives to another person any
23 food containing any substance or object intended to cause
24 physical injury if eaten.

25 (3) Knowingly causes or attempts to cause a
26 correctional institution employee or Department of Human

1 Services employee to come into contact with blood, seminal
2 fluid, urine, or feces by throwing, tossing, or expelling
3 the fluid or material, and the person is an inmate of a
4 penal institution or is a sexually dangerous person or
5 sexually violent person in the custody of the Department of
6 Human Services.

7 (h) Sentence. Unless otherwise provided, aggravated
8 battery is a Class 3 felony.

9 Aggravated battery as defined in subdivision (a)(4),
10 (d)(4), or (g)(3) is a Class 2 felony.

11 Aggravated battery as defined in subdivision (a)(3) or
12 (g)(1) is a Class 1 felony.

13 Aggravated battery as defined in subdivision (e)(1) is a
14 Class X felony.

15 Aggravated battery as defined in subdivision (a)(2) is a
16 Class X felony for which a person shall be sentenced to a term
17 of imprisonment of a minimum of 6 years and a maximum of 45
18 years.

19 Aggravated battery as defined in subdivision (e)(5) is a
20 Class X felony for which a person shall be sentenced to a term
21 of imprisonment of a minimum of 12 years and a maximum of 45
22 years.

23 Aggravated battery as defined in subdivision (e)(2),
24 (e)(3), or (e)(4) is a Class X felony for which a person shall
25 be sentenced to a term of imprisonment of a minimum of 15 years
26 and a maximum of 60 years.

1 Aggravated battery as defined in subdivision (e)(6),
2 (e)(7), or (e)(8) is a Class X felony for which a person shall
3 be sentenced to a term of imprisonment of a minimum of 20 years
4 and a maximum of 60 years.

5 Aggravated battery as defined in subdivision (b)(1) is a
6 Class X felony, except that:

7 (1) if the person committed the offense while armed
8 with a firearm, 15 years shall be added to the term of
9 imprisonment imposed by the court;

10 (2) if, during the commission of the offense, the
11 person personally discharged a firearm, 20 years shall be
12 added to the term of imprisonment imposed by the court;

13 (3) if, during the commission of the offense, the
14 person personally discharged a firearm that proximately
15 caused great bodily harm, permanent disability, permanent
16 disfigurement, or death to another person, 25 years or up
17 to a term of natural life shall be added to the term of
18 imprisonment imposed by the court.

19 (i) Definitions. For the purposes of this Section:

20 "Building or other structure used to provide shelter" has
21 the meaning ascribed to "shelter" in Section 1 of the Domestic
22 Violence Shelters Act.

23 "Domestic violence shelter" means any building or other
24 structure used to provide shelter or other services to victims
25 or to the dependent children of victims of domestic violence
26 pursuant to the Illinois Domestic Violence Act of 1986 or the

1 Domestic Violence Shelters Act, or any place within 500 feet of
2 such a building or other structure in the case of a person who
3 is going to or from such a building or other structure.

4 "Domestic violence" has the meaning ascribed to it in
5 Section 103 of the Illinois Domestic Violence Act of 1986.

6 "Machine gun" has the meaning ascribed to it in Section
7 24-1 of this Code.

8 "Merchant" has the meaning ascribed to it in Section
9 16A-2.4 of this Code.

10 ~~(a) A person who, in committing a battery, intentionally or~~
11 ~~knowingly causes great bodily harm, or permanent disability or~~
12 ~~disfigurement commits aggravated battery.~~

13 ~~(b) In committing a battery, a person commits aggravated~~
14 ~~battery if he or she:~~

15 ~~(1) Uses a deadly weapon other than by the discharge of~~
16 ~~a firearm;~~

17 ~~(2) Is hooded, robed or masked, in such manner as to~~
18 ~~conceal his identity;~~

19 ~~(3) Knows the individual harmed to be a teacher or~~
20 ~~other person employed in any school and such teacher or~~
21 ~~other employee is upon the grounds of a school or grounds~~
22 ~~adjacent thereto, or is in any part of a building used for~~
23 ~~school purposes;~~

24 ~~(4) (Blank);~~

25 ~~(5) (Blank);~~

26 ~~(6) Knows the individual harmed to be a community~~

1 ~~policing volunteer while such volunteer is engaged in the~~
2 ~~execution of any official duties, or to prevent the~~
3 ~~volunteer from performing official duties, or in~~
4 ~~retaliation for the volunteer performing official duties,~~
5 ~~and the battery is committed other than by the discharge of~~
6 ~~a firearm;~~

7 ~~(7) Knows the individual harmed to be an emergency~~
8 ~~medical technician ambulance, emergency medical~~
9 ~~technician intermediate, emergency medical technician~~
10 ~~paramedic, ambulance driver, other medical assistance,~~
11 ~~first aid personnel, or hospital personnel engaged in the~~
12 ~~performance of any of his or her official duties, or to~~
13 ~~prevent the emergency medical technician ambulance,~~
14 ~~emergency medical technician intermediate, emergency~~
15 ~~medical technician paramedic, ambulance driver, other~~
16 ~~medical assistance, first aid personnel, or hospital~~
17 ~~personnel from performing official duties, or in~~
18 ~~retaliation for performing official duties;~~

19 ~~(8) Is, or the person battered is, on or about a public~~
20 ~~way, public property or public place of accommodation or~~
21 ~~amusement;~~

22 ~~(8.5) Is, or the person battered is, on a publicly or~~
23 ~~privately owned sports or entertainment arena, stadium,~~
24 ~~community or convention hall, special event center,~~
25 ~~amusement facility, or a special event center in a public~~
26 ~~park during any 24 hour period when a professional sporting~~

1 ~~event, National Collegiate Athletic Association~~
2 ~~(NCAA) sanctioned sporting event, United States Olympic~~
3 ~~Committee sanctioned sporting event, or International~~
4 ~~Olympic Committee sanctioned sporting event is taking~~
5 ~~place in this venue;~~

6 ~~(9) Knows the individual harmed to be the driver,~~
7 ~~operator, employee or passenger of any transportation~~
8 ~~facility or system engaged in the business of~~
9 ~~transportation of the public for hire and the individual~~
10 ~~assaulted is then performing in such capacity or then using~~
11 ~~such public transportation as a passenger or using any area~~
12 ~~of any description designated by the transportation~~
13 ~~facility or system as a vehicle boarding, departure, or~~
14 ~~transfer location;~~

15 ~~(10) Knows the individual harmed to be an individual of~~
16 ~~60 years of age or older;~~

17 ~~(11) Knows the individual harmed is pregnant;~~

18 ~~(12) Knows the individual harmed to be a judge whom the~~
19 ~~person intended to harm as a result of the judge's~~
20 ~~performance of his or her official duties as a judge;~~

21 ~~(13) (Blank);~~

22 ~~(14) Knows the individual harmed to be a person who is~~
23 ~~physically handicapped;~~

24 ~~(15) Knowingly and without legal justification and by~~
25 ~~any means causes bodily harm to a merchant who detains the~~
26 ~~person for an alleged commission of retail theft under~~

1 ~~Section 16A-5 of this Code. In this item (15), "merchant"~~
2 ~~has the meaning ascribed to it in Section 16A-2.4 of this~~
3 ~~Code;~~

4 ~~(16) Is, or the person battered is, in any building or~~
5 ~~other structure used to provide shelter or other services~~
6 ~~to victims or to the dependent children of victims of~~
7 ~~domestic violence pursuant to the Illinois Domestic~~
8 ~~Violence Act of 1986 or the Domestic Violence Shelters Act,~~
9 ~~or the person battered is within 500 feet of such a~~
10 ~~building or other structure while going to or from such a~~
11 ~~building or other structure. "Domestic violence" has the~~
12 ~~meaning ascribed to it in Section 103 of the Illinois~~
13 ~~Domestic Violence Act of 1986. "Building or other structure~~
14 ~~used to provide shelter" has the meaning ascribed to~~
15 ~~"shelter" in Section 1 of the Domestic Violence Shelters~~
16 ~~Act;~~

17 ~~(17) (Blank);~~

18 ~~(18) Knows the individual harmed to be an officer or~~
19 ~~employee of the State of Illinois, a unit of local~~
20 ~~government, or school district engaged in the performance~~
21 ~~of his or her authorized duties as such officer or~~
22 ~~employee;~~

23 ~~(19) Knows the individual harmed to be an emergency~~
24 ~~management worker engaged in the performance of any of his~~
25 ~~or her official duties, or to prevent the emergency~~
26 ~~management worker from performing official duties, or in~~

1 ~~retaliation for the emergency management worker performing~~
2 ~~official duties;~~

3 ~~(20) Knows the individual harmed to be a private~~
4 ~~security officer engaged in the performance of any of his~~
5 ~~or her official duties, or to prevent the private security~~
6 ~~officer from performing official duties, or in retaliation~~
7 ~~for the private security officer performing official~~
8 ~~duties; or~~

9 ~~(21) Knows the individual harmed to be a taxi driver~~
10 ~~and the battery is committed while the taxi driver is on~~
11 ~~duty; or~~

12 ~~(22) Knows the individual harmed to be a utility~~
13 ~~worker, while the utility worker is engaged in the~~
14 ~~execution of his or her duties, or to prevent the utility~~
15 ~~worker from performing his or her duties, or in retaliation~~
16 ~~for the utility worker performing his or her duties. In~~
17 ~~this paragraph (22), "utility worker" means a person~~
18 ~~employed by a public utility as defined in Section 3-105 of~~
19 ~~the Public Utilities Act and also includes an employee of a~~
20 ~~municipally owned utility, an employee of a cable~~
21 ~~television company, an employee of an electric cooperative~~
22 ~~as defined in Section 3-119 of the Public Utilities Act, an~~
23 ~~independent contractor or an employee of an independent~~
24 ~~contractor working on behalf of a cable television company,~~
25 ~~public utility, municipally owned utility, or an electric~~
26 ~~cooperative, or an employee of a telecommunications~~

1 ~~carrier as defined in Section 13-202 of the Public~~
2 ~~Utilities Act, an independent contractor or an employee of~~
3 ~~an independent contractor working on behalf of a~~
4 ~~telecommunications carrier, or an employee of a telephone~~
5 ~~or telecommunications cooperative as defined in Section~~
6 ~~13-212 of the Public Utilities Act, or an independent~~
7 ~~contractor or an employee of an independent contractor~~
8 ~~working on behalf of a telephone or telecommunications~~
9 ~~cooperative.~~

10 ~~For the purpose of paragraph (14) of subsection (b) of this~~
11 ~~Section, a physically handicapped person is a person who~~
12 ~~suffers from a permanent and disabling physical~~
13 ~~characteristic, resulting from disease, injury, functional~~
14 ~~disorder or congenital condition.~~

15 ~~For the purpose of paragraph (20) of subsection (b) and~~
16 ~~subsection (c) of this Section, "private security officer"~~
17 ~~means a registered employee of a private security contractor~~
18 ~~agency under the Private Detective, Private Alarm, Private~~
19 ~~Security, Fingerprint Vendor, and Locksmith Act of 2004.~~

20 ~~(c) A person who administers to an individual or causes him~~
21 ~~to take, without his consent or by threat or deception, and for~~
22 ~~other than medical purposes, any intoxicating, poisonous,~~
23 ~~stupefying, narcotic, anesthetic, or controlled substance~~
24 ~~commits aggravated battery.~~

25 ~~(d) A person who knowingly gives to another person any food~~
26 ~~that contains any substance or object that is intended to cause~~

1 ~~physical injury if eaten, commits aggravated battery.~~

2 ~~(d-3) A person commits aggravated battery when he or she~~
3 ~~knowingly and without lawful justification shines or flashes a~~
4 ~~laser gunsight or other laser device that is attached or~~
5 ~~affixed to a firearm, or used in concert with a firearm, so~~
6 ~~that the laser beam strikes upon or against the person of~~
7 ~~another.~~

8 ~~(d-5) An inmate of a penal institution or a sexually~~
9 ~~dangerous person or a sexually violent person in the custody of~~
10 ~~the Department of Human Services who causes or attempts to~~
11 ~~cause a correctional employee of the penal institution or an~~
12 ~~employee of the Department of Human Services to come into~~
13 ~~contact with blood, seminal fluid, urine, or feces, by~~
14 ~~throwing, tossing, or expelling that fluid or material commits~~
15 ~~aggravated battery. For purposes of this subsection (d-5),~~
16 ~~"correctional employee" means a person who is employed by a~~
17 ~~penal institution.~~

18 ~~(e) Sentence.~~

19 ~~(1) Except as otherwise provided in paragraphs (2),~~
20 ~~(3), and (4) aggravated battery is a Class 3 felony.~~

21 ~~(2) Aggravated battery that does not cause great bodily~~
22 ~~harm or permanent disability or disfigurement is a Class 2~~
23 ~~felony when the person knows the individual harmed to be a~~
24 ~~peace officer, a community policing volunteer, a private~~
25 ~~security officer, a correctional institution employee, an~~
26 ~~employee of the Department of Human Services supervising or~~

1 ~~controlling sexually dangerous persons or sexually violent~~
2 ~~persons, or a fireman while such officer, volunteer,~~
3 ~~employee, or fireman is engaged in the execution of any~~
4 ~~official duties including arrest or attempted arrest, or to~~
5 ~~prevent the officer, volunteer, employee, or fireman from~~
6 ~~performing official duties, or in retaliation for the~~
7 ~~officer, volunteer, employee, or fireman performing~~
8 ~~official duties, and the battery is committed other than by~~
9 ~~the discharge of a firearm.~~

10 ~~(3) Aggravated battery that causes great bodily harm or~~
11 ~~permanent disability or disfigurement in violation of~~
12 ~~subsection (a) is a Class 1 felony when the person knows~~
13 ~~the individual harmed to be a peace officer, a community~~
14 ~~policing volunteer, a private security officer, a~~
15 ~~correctional institution employee, an employee of the~~
16 ~~Department of Human Services supervising or controlling~~
17 ~~sexually dangerous persons or sexually violent persons, or~~
18 ~~a fireman while such officer, volunteer, employee, or~~
19 ~~fireman is engaged in the execution of any official duties~~
20 ~~including arrest or attempted arrest, or to prevent the~~
21 ~~officer, volunteer, employee, or fireman from performing~~
22 ~~official duties, or in retaliation for the officer,~~
23 ~~volunteer, employee, or fireman performing official~~
24 ~~duties, and the battery is committed other than by the~~
25 ~~discharge of a firearm.~~

26 ~~(4) Aggravated battery under subsection (d 5) is a~~

1 ~~Class 2 felony.~~

2 (Source: P.A. 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333,
3 eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06;
4 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331, eff. 8-21-07;
5 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876, eff.
6 8-21-08.)

7 (720 ILCS 5/12-3.1) (from Ch. 38, par. 12-3.1)

8 Sec. 12-3.1. Battery of an unborn child; aggravated battery
9 of an unborn child ~~Unborn Child.~~

10 (a) A person commits battery of an unborn child if he or
11 she intentionally or knowingly without legal justification and
12 by any means causes bodily harm to an unborn child.

13 (a-5) A person commits aggravated battery of an unborn
14 child when, in committing a battery of an unborn child, he or
15 she knowingly causes great bodily harm or permanent disability
16 or disfigurement to an unborn child.

17 (b) For purposes of this Section, (1) "unborn child" shall
18 mean any individual of the human species from fertilization
19 until birth, and (2) "person" shall not include the pregnant
20 woman whose unborn child is harmed.

21 (c) Sentence. Battery of an unborn child is a Class A
22 misdemeanor. Aggravated battery of an unborn child is a Class 2
23 felony.

24 (d) This Section shall not apply to acts which cause bodily
25 harm to an unborn child if those acts were committed during any

1 abortion, as defined in Section 2 of the Illinois Abortion Law
2 of 1975, as amended, to which the pregnant woman has consented.
3 This Section shall not apply to acts which were committed
4 pursuant to usual and customary standards of medical practice
5 during diagnostic testing or therapeutic treatment.

6 (Source: P.A. 84-1414.)

7 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

8 Sec. 12-3.2. Domestic battery ~~Battery~~.

9 (a) A person commits domestic battery if he or she
10 ~~intentionally or~~ knowingly without legal justification by any
11 means:

12 (1) Causes bodily harm to any family or household
13 member ~~as defined in subsection (3) of Section 112A-3 of~~
14 ~~the Code of Criminal Procedure of 1963, as amended;~~

15 (2) Makes physical contact of an insulting or provoking
16 nature with any family or household member ~~as defined in~~
17 ~~subsection (3) of Section 112A-3 of the Code of Criminal~~
18 ~~Procedure of 1963, as amended.~~

19 (b) Sentence. Domestic battery is a Class A misdemeanor.
20 Domestic battery is a Class 4 felony if the defendant has any
21 prior conviction under this Code for domestic battery (Section
22 12-3.2) or violation of an order of protection (Section 12-3.4
23 or 12-30), or any prior conviction under the law of another
24 jurisdiction for an offense which is substantially similar.
25 Domestic battery is a Class 4 felony if the defendant has any

1 prior conviction under this Code for first degree murder
2 (Section 9-1), attempt to commit first degree murder (Section
3 8-4), aggravated domestic battery (Section 12-3.3), aggravated
4 battery (Section 12-3.05 or 12-4), heinous battery (Section
5 12-4.1), aggravated battery with a firearm (Section 12-4.2),
6 aggravated battery with a machine gun or a firearm equipped
7 with a silencer (Section 12-4.2-5), aggravated battery of a
8 child (Section 12-4.3), aggravated battery of an unborn child
9 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
10 aggravated battery of a senior citizen (Section 12-4.6),
11 stalking (Section 12-7.3), aggravated stalking (Section
12 12-7.4), criminal sexual assault (Section 12-13), aggravated
13 criminal sexual assault (12-14), kidnapping (Section 10-1),
14 aggravated kidnapping (Section 10-2), predatory criminal
15 sexual assault of a child (Section 12-14.1), aggravated
16 criminal sexual abuse (Section 12-16), unlawful restraint
17 (Section 10-3), aggravated unlawful restraint (Section
18 10-3.1), aggravated arson (Section 20-1.1), or aggravated
19 discharge of a firearm (Section 24-1.2), or any prior
20 conviction under the law of another jurisdiction for any
21 offense that is substantially similar to the offenses listed in
22 this Section, when any of these offenses have been committed
23 against a family or household member ~~as defined in Section~~
24 ~~112A-3 of the Code of Criminal Procedure of 1963~~. In addition
25 to any other sentencing alternatives, for any second or
26 subsequent conviction of violating this Section, the offender

1 shall be mandatorily sentenced to a minimum of 72 consecutive
2 hours of imprisonment. The imprisonment shall not be subject to
3 suspension, nor shall the person be eligible for probation in
4 order to reduce the sentence.

5 (c) Domestic battery committed in the presence of a child.
6 In addition to any other sentencing alternatives, a defendant
7 who commits, in the presence of a child, a felony domestic
8 battery (enhanced under subsection (b)), aggravated domestic
9 battery (Section 12-3.3), aggravated battery (Section 12-3.05
10 or 12-4), unlawful restraint (Section 10-3), or aggravated
11 unlawful restraint (Section 10-3.1) against a family or
12 household member, ~~as defined in Section 112A-3 of the Code of~~
13 ~~Criminal Procedure of 1963,~~ shall be required to serve a
14 mandatory minimum imprisonment of 10 days or perform 300 hours
15 of community service, or both. The defendant shall further be
16 liable for the cost of any counseling required for the child at
17 the discretion of the court in accordance with subsection (b)
18 of Section 5-5-6 of the Unified Code of Corrections. For
19 purposes of this Section, "child" means a person under 18 years
20 of age who is the defendant's or victim's child or step-child
21 or who is a minor child residing within or visiting the
22 household of the defendant or victim. ~~For purposes of this~~
23 ~~Section, "in the presence of a child" means in the physical~~
24 ~~presence of a child or knowing or having reason to know that a~~
25 ~~child is present and may see or hear an act constituting one of~~
26 ~~the offenses listed in this subsection.~~

1 (d) Upon conviction of domestic battery, the court shall
2 advise the defendant orally or in writing, substantially as
3 follows: "An individual convicted of domestic battery may be
4 subject to federal criminal penalties for possessing,
5 transporting, shipping, or receiving any firearm or ammunition
6 in violation of the federal Gun Control Act of 1968 (18 U.S.C.
7 922(g) (8) and (9))." A notation shall be made in the court file
8 that the admonition was given.

9 (Source: P.A. 96-287, eff. 8-11-09.)

10 (720 ILCS 5/12-3.3)

11 Sec. 12-3.3. Aggravated domestic battery.

12 (a) A person who, in committing a domestic battery,
13 ~~intentionally or~~ knowingly causes great bodily harm, or
14 permanent disability or disfigurement commits aggravated
15 domestic battery.

16 (a-5) A person who, in committing a domestic battery,
17 strangles another individual commits aggravated domestic
18 battery. For the purposes of this subsection (a-5), "strangle"
19 means intentionally impeding the normal breathing or
20 circulation of the blood of an individual by applying pressure
21 on the throat or neck of that individual or by blocking the
22 nose or mouth of that individual.

23 (b) Sentence. Aggravated domestic battery is a Class 2
24 felony. Any order of probation or conditional discharge entered
25 following a conviction for an offense under this Section must

1 include, in addition to any other condition of probation or
2 conditional discharge, a condition that the offender serve a
3 mandatory term of imprisonment of not less than 60 consecutive
4 days. A person convicted of a second or subsequent violation of
5 this Section must be sentenced to a mandatory term of
6 imprisonment of not less than 3 years and not more than 7 years
7 or an extended term of imprisonment of not less than 7 years
8 and not more than 14 years.

9 (c) Upon conviction of aggravated domestic battery, the
10 court shall advise the defendant orally or in writing,
11 substantially as follows: "An individual convicted of
12 aggravated domestic battery may be subject to federal criminal
13 penalties for possessing, transporting, shipping, or receiving
14 any firearm or ammunition in violation of the federal Gun
15 Control Act of 1968 (18 U.S.C. 922(g) (8) and (9))." A notation
16 shall be made in the court file that the admonition was given.

17 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;
18 revised 9-4-09.)

19 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

20 Sec. 12-3.4 ~~12-30~~. Violation of an order of protection.

21 (a) A person commits violation of an order of protection
22 if:

23 (1) He or she knowingly commits an act which was
24 prohibited by a court or fails to commit an act which was
25 ordered by a court in violation of:

1 (i) a remedy in a valid order of protection
2 authorized under paragraphs (1), (2), (3), (14), or
3 (14.5) of subsection (b) of Section 214 of the Illinois
4 Domestic Violence Act of 1986,

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraphs (1), (2),
7 (3), (14) or (14.5) of subsection (b) of Section 214 of
8 the Illinois Domestic Violence Act of 1986, in a valid
9 order of protection, which is authorized under the laws
10 of another state, tribe or United States territory,

11 (iii) any other remedy when the act constitutes a
12 crime against the protected parties as the term
13 protected parties is defined in Section 112A-4 of the
14 Code of Criminal Procedure of 1963; and

15 (2) Such violation occurs after the offender has been
16 served notice of the contents of the order, pursuant to the
17 Illinois Domestic Violence Act of 1986 or any substantially
18 similar statute of another state, tribe or United States
19 territory, or otherwise has acquired actual knowledge of
20 the contents of the order.

21 An order of protection issued by a state, tribal or
22 territorial court related to domestic or family violence shall
23 be deemed valid if the issuing court had jurisdiction over the
24 parties and matter under the law of the state, tribe or
25 territory. There shall be a presumption of validity where an
26 order is certified and appears authentic on its face. For

1 purposes of this Section, an "order of protection" may have
2 been issued in a criminal or civil proceeding.

3 (a-5) Failure to provide reasonable notice and opportunity
4 to be heard shall be an affirmative defense to any charge or
5 process filed seeking enforcement of a foreign order of
6 protection.

7 (b) Nothing in this Section shall be construed to diminish
8 the inherent authority of the courts to enforce their lawful
9 orders through civil or criminal contempt proceedings. ~~For~~
10 ~~purposes of this Section, an "order of protection" may have~~
11 ~~been issued in a criminal or civil proceeding.~~

12 (c) The limitations placed on law enforcement liability by
13 Section 305 of the Illinois Domestic Violence Act of 1986 apply
14 to actions taken under this Section. ~~Nothing in this Section~~
15 ~~shall be construed to diminish the inherent authority of the~~
16 ~~courts to enforce their lawful orders through civil or criminal~~
17 ~~contempt proceedings.~~

18 (d) Violation of an order of protection ~~under subsection~~
19 ~~(a) of this Section~~ is a Class A misdemeanor. Violation of an
20 order of protection ~~under subsection (a) of this Section~~ is a
21 Class 4 felony if the defendant has any prior conviction under
22 this Code for domestic battery (Section 12-3.2) or violation of
23 an order of protection (Section 12-3.4 or 12-30). Violation of
24 an order of protection is a Class 4 felony if the defendant has
25 any prior conviction under this Code for first degree murder
26 (Section 9-1), attempt to commit first degree murder (Section

1 8-4), aggravated domestic battery (Section 12-3.3), aggravated
2 battery (Section 12-3.05 or 12-4), heinous battery (Section
3 12-4.1), aggravated battery with a firearm (Section 12-4.2),
4 aggravated battery with a machine gun or a firearm equipped
5 with a silencer (Section 12-4.2-5) aggravated battery of a
6 child (Section 12-4.3), aggravated battery of an unborn child
7 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
8 aggravated battery of a senior citizen (Section 12-4.6),
9 stalking (Section 12-7.3), aggravated stalking (Section
10 12-7.4), criminal sexual assault (Section 12-13), aggravated
11 criminal sexual assault (12-14), kidnapping (Section 10-1),
12 aggravated kidnapping (Section 10-2), predatory criminal
13 sexual assault of a child (Section 12-14.1), aggravated
14 criminal sexual abuse (Section 12-16), unlawful restraint
15 (Section 10-3), aggravated unlawful restraint (Section
16 10-3.1), aggravated arson (Section 20-1.1), ~~or~~ aggravated
17 discharge of a firearm (Section 24-1.2), or a violation of any
18 former law of this State that is substantially similar to any
19 listed offense, when any of these offenses have been committed
20 against a family or household member as defined in Section
21 112A-3 of the Code of Criminal Procedure of 1963. The court
22 shall impose a minimum penalty of 24 hours imprisonment for
23 defendant's second or subsequent violation of any order of
24 protection; unless the court explicitly finds that an increased
25 penalty or such period of imprisonment would be manifestly
26 unjust. In addition to any other penalties, the court may order

1 the defendant to pay a fine as authorized under Section 5-9-1
2 of the Unified Code of Corrections or to make restitution to
3 the victim under Section 5-5-6 of the Unified Code of
4 Corrections. In addition to any other penalties, including
5 those imposed by Section 5-9-1.5 of the Unified Code of
6 Corrections, the court shall impose an additional fine of \$20
7 as authorized by Section 5-9-1.11 of the Unified Code of
8 Corrections upon any person convicted of or placed on
9 supervision for a violation of this Section. The additional
10 fine shall be imposed for each violation of this Section.

11 (e) (Blank). ~~The limitations placed on law enforcement~~
12 ~~liability by Section 305 of the Illinois Domestic Violence Act~~
13 ~~of 1986 apply to actions taken under this Section.~~

14 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;
15 92-827, eff. 8-22-02.)

16 (720 ILCS 5/12-3.5) (was 720 ILCS 5/12-6.3)

17 Sec. 12-3.5 ~~12-6.3~~. Interfering with the reporting of
18 domestic violence.

19 (a) A person commits ~~the offense of~~ interfering with the
20 reporting of domestic violence when, after having committed an
21 act of domestic violence, he or she knowingly prevents or
22 attempts to prevent the victim of or a witness to the act of
23 domestic violence from calling a 9-1-1 emergency telephone
24 system, obtaining medical assistance, or making a report to any
25 law enforcement official.

1 (b) For the purposes of this Section, ~~the following terms~~
2 ~~shall have the indicated meanings:~~

3 ~~(1) "Domestic violence" shall have the meaning ascribed to~~
4 ~~it in Section 112A-3 of the Code of Criminal Procedure of 1963.~~

5 ~~(2) "Family or household members" shall have the meaning~~
6 ~~ascribed to it in Section 112A-3 of the Code of Criminal~~
7 ~~Procedure of 1963.~~

8 (c) Sentence. Interfering with the reporting of domestic
9 violence is a Class A misdemeanor.

10 (Source: P.A. 90-118, eff. 1-1-98.)

11 (720 ILCS 5/12-3.6) (was 720 ILCS 5/45-1 and 5/45-2)

12 Sec. 12-3.6 ~~45-1~~. Disclosing location of domestic violence
13 victim Definitions.

14 (a) As used in this Section ~~Article~~:

15 ~~(a)~~ "Domestic violence" means attempting to cause or
16 causing abuse of a family or household member or high-risk
17 adult with disabilities, or attempting to cause or causing
18 neglect or exploitation of a high-risk adult with disabilities
19 which threatens the adult's health and safety.

20 ~~(b)~~ "Family or household member" means a spouse, person
21 living as a spouse, parent, or other adult person related by
22 consanguinity or affinity, who is residing or has resided with
23 the person committing domestic violence. "Family or household
24 member" includes a high-risk adult with disabilities who
25 resides with or receives care from any person who has the

1 responsibility for a high-risk adult as a result of a family
2 relationship or who has assumed responsibility for all or a
3 portion of the care of an adult with disabilities voluntarily,
4 by express or implied contract, or by court order.

5 ~~(c)~~ "High-risk adult with disabilities" means a person aged
6 18 or over whose physical or mental disability impairs his or
7 her ability to seek or obtain protection from abuse, neglect,
8 or exploitation.

9 ~~(d)~~ "Abuse", "exploitation", and "neglect" have the
10 meanings ascribed to those terms in Section 103 of the Illinois
11 Domestic Violence Act of 1986.

12 (b) A Sec. 45-2. Disclosure of location of domestic
13 violence victim. Any person commits disclosure of location of
14 domestic violence victim when he or she ~~who~~ publishes,
15 disseminates or otherwise discloses the location of any
16 domestic violence victim, without that person's ~~the~~
17 authorization ~~of that domestic violence victim~~, knowing the
18 ~~that such~~ disclosure will result in, or has the substantial
19 likelihood of resulting in, the threat of bodily harm, ~~is~~
20 ~~guilty of a Class A misdemeanor.~~

21 (c) Nothing in this Section shall apply to confidential
22 communications between an attorney and his or her client.

23 (d) Sentence. Disclosure of location of domestic violence
24 victim is a Class A misdemeanor.

25 (Source: P.A. 87-441; 88-45.)

1 (720 ILCS 5/Art. 12, Subdiv. 10 heading new)

2 SUBDIVISION 10. ENDANGERMENT

3 (720 ILCS 5/12-4.4a new)

4 Sec. 12-4.4a. Abuse or criminal neglect of a long term care
5 facility resident; criminal abuse or neglect of an elderly
6 person or person with a disability.

7 (a) Abuse or criminal neglect of a long term care facility
8 resident.

9 (1) A person or an owner or licensee commits abuse of a
10 long term care facility resident when he or she knowingly
11 causes any physical or mental injury to, or commits any
12 sexual offense in this Code against, a resident.

13 (2) A person or an owner or licensee commits criminal
14 neglect of a long term care facility resident when he or
15 she recklessly:

16 (A) performs acts that cause a resident's life to
17 be endangered, health to be injured, or pre-existing
18 physical or mental condition to deteriorate;

19 (B) fails to perform acts that he or she knows or
20 reasonably should know are necessary to maintain or
21 preserve the life or health of a resident, and that
22 failure causes the resident's life to be endangered,
23 health to be injured, or pre-existing physical or
24 mental condition to deteriorate; or

25 (C) abandons a resident.

1 (3) A person or an owner or licensee commits neglect of
2 a long term care facility resident when he or she
3 negligently fails to provide adequate medical care,
4 personal care, or maintenance to the resident which results
5 in physical or mental injury or deterioration of the
6 resident's physical or mental condition. An owner or
7 licensee is guilty under this subdivision (a) (3), however,
8 only if the owner or licensee failed to exercise reasonable
9 care in the hiring, training, supervising, or providing of
10 staff or other related routine administrative
11 responsibilities.

12 (b) Criminal abuse or neglect of an elderly person or
13 person with a disability.

14 (1) A caregiver commits criminal abuse or neglect of an
15 elderly person or person with a disability when he or she
16 knowingly does any of the following:

17 (A) performs acts that cause the person's life to
18 be endangered, health to be injured, or pre-existing
19 physical or mental condition to deteriorate;

20 (B) fails to perform acts that he or she knows or
21 reasonably should know are necessary to maintain or
22 preserve the life or health of the person, and that
23 failure causes the person's life to be endangered,
24 health to be injured, or pre-existing physical or
25 mental condition to deteriorate;

26 (C) abandons the person;

1 (D) physically abuses, harasses, intimidates, or
2 interferes with the personal liberty of the person; or

3 (E) exposes the person to willful deprivation.

4 (2) It is not a defense to criminal abuse or neglect of
5 an elderly person or person with a disability that the
6 caregiver reasonably believed that the victim was not an
7 elderly person or person with a disability.

8 (c) Offense not applicable.

9 (1) Nothing in this Section applies to a physician
10 licensed to practice medicine in all its branches or a duly
11 licensed nurse providing care within the scope of his or
12 her professional judgment and within the accepted
13 standards of care within the community.

14 (2) Nothing in this Section imposes criminal liability
15 on a caregiver who made a good faith effort to provide for
16 the health and personal care of an elderly person or person
17 with a disability, but through no fault of his or her own
18 was unable to provide such care.

19 (3) Nothing in this Section applies to the medical
20 supervision, regulation, or control of the remedial care or
21 treatment of residents in a long term care facility
22 conducted for those who rely upon treatment by prayer or
23 spiritual means in accordance with the creed or tenets of
24 any well-recognized church or religious denomination as
25 described in Section 3-803 of the Nursing Home Care Act.

26 (4) Nothing in this Section prohibits a caregiver from

1 providing treatment to an elderly person or person with a
2 disability by spiritual means through prayer alone and care
3 consistent therewith in lieu of medical care and treatment
4 in accordance with the tenets and practices of any church
5 or religious denomination of which the elderly person or
6 person with a disability is a member.

7 (5) Nothing in this Section limits the remedies
8 available to the victim under the Illinois Domestic
9 Violence Act of 1986.

10 (d) Sentence.

11 (1) Long term care facility. Abuse of a long term care
12 facility resident is a Class 3 felony. Criminal neglect of
13 a long term care facility resident is a Class 4 felony,
14 unless it results in the resident's death in which case it
15 is a Class 3 felony. Neglect of a long term care facility
16 resident is a petty offense.

17 (2) Caregiver. Criminal abuse or neglect of an elderly
18 person or person with a disability is a Class 3 felony,
19 unless it results in the person's death in which case it is
20 a Class 2 felony, and if imprisonment is imposed it shall
21 be for a minimum term of 3 years and a maximum term of 14
22 years.

23 (e) Definitions. For the purposes of this Section:

24 "Abandon" means to desert or knowingly forsake a resident
25 or an elderly person or person with a disability under
26 circumstances in which a reasonable person would continue to

1 provide care and custody.

2 "Caregiver" means a person who has a duty to provide for an
3 elderly person or person with a disability's health and
4 personal care, at the elderly person or person with a
5 disability's place of residence, including, but not limited to,
6 food and nutrition, shelter, hygiene, prescribed medication,
7 and medical care and treatment, and includes any of the
8 following:

9 (1) A parent, spouse, adult child, or other relative by
10 blood or marriage who resides with or resides in the same
11 building with or regularly visits the elderly person or
12 person with a disability, knows or reasonably should know
13 of such person's physical or mental impairment, and knows
14 or reasonably should know that such person is unable to
15 adequately provide for his or her own health and personal
16 care.

17 (2) A person who is employed by the elderly person or
18 person with a disability or by another to reside with or
19 regularly visit the elderly person or person with a
20 disability and provide for such person's health and
21 personal care.

22 (3) A person who has agreed for consideration to reside
23 with or regularly visit the elderly person or person with a
24 disability and provide for such person's health and
25 personal care.

26 (4) A person who has been appointed by a private or

1 public agency or by a court of competent jurisdiction to
2 provide for the elderly person or person with a
3 disability's health and personal care.

4 "Caregiver" does not include a long-term care facility
5 licensed or certified under the Nursing Home Care Act or any
6 administrative, medical, or other personnel of such a facility,
7 or a health care provider who is licensed under the Medical
8 Practice Act of 1987 and renders care in the ordinary course of
9 his or her profession.

10 "Elderly person" means a person 60 years of age or older
11 who is incapable of adequately providing for his or her own
12 health and personal care.

13 "Licensee" means the individual or entity licensed to
14 operate a facility under the Nursing Home Care Act or the
15 Assisted Living and Shared Housing Act.

16 "Long term care facility" means a private home,
17 institution, building, residence, or other place, whether
18 operated for profit or not, or a county home for the infirm and
19 chronically ill operated pursuant to Division 5-21 or 5-22 of
20 the Counties Code, or any similar institution operated by the
21 State of Illinois or a political subdivision thereof, which
22 provides, through its ownership or management, personal care,
23 sheltered care, or nursing for 3 or more persons not related to
24 the owner by blood or marriage. The term also includes skilled
25 nursing facilities and intermediate care facilities as defined
26 in Titles XVIII and XIX of the federal Social Security Act and

1 assisted living establishments and shared housing
2 establishments licensed under the Assisted Living and Shared
3 Housing Act.

4 "Owner" means the owner a long term care facility as
5 provided in the Nursing Home Care Act or the owner of an
6 assisted living or shared housing establishment as provided in
7 the Assisted Living and Shared Housing Act.

8 "Person with a disability" means a person who suffers from
9 a permanent physical or mental impairment, resulting from
10 disease, injury, functional disorder, or congenital condition,
11 which renders the person incapable of adequately providing for
12 his or her own health and personal care.

13 "Resident" means a person residing in a long term care
14 facility.

15 "Willful deprivation" has the meaning ascribed to it in
16 paragraph (15) of Section 103 of the Illinois Domestic Violence
17 Act of 1986.

18 (720 ILCS 5/12-4.5) (from Ch. 38, par. 12-4.5)

19 Sec. 12-4.5. Tampering with food, drugs or cosmetics.

20 (a) ~~A~~ Any person who knowingly puts any substance capable
21 of causing death or great bodily harm to a human being into any
22 food, drug or cosmetic offered for sale or consumption commits
23 ~~the offense of~~ tampering with food, drugs or cosmetics.

24 (b) Sentence. Tampering with food, drugs or cosmetics is a
25 Class 2 felony.

1 (Source: P.A. 84-1428; 84-1438.)

2 (720 ILCS 5/12-5) (from Ch. 38, par. 12-5)

3 Sec. 12-5. Reckless conduct.

4 (a) A person commits reckless conduct when he or she, by
5 any means lawful or unlawful, recklessly performs an act or
6 acts that:

7 (1) cause ~~who causes~~ bodily harm to or endanger
8 ~~endangers~~ the ~~bodily~~ safety of another person; or an
9 ~~individual by any means, commits reckless conduct if he or~~
10 ~~she performs recklessly the acts that cause the harm or~~
11 ~~endanger safety, whether they otherwise are lawful or~~
12 ~~unlawful.~~

13 (2) cause ~~(a-5) A person who causes great bodily harm~~
14 ~~or permanent disability or disfigurement~~ to another person
15 ~~by any means, commits reckless conduct if he or she~~
16 ~~performs recklessly the acts that cause the harm, whether~~
17 ~~they otherwise are lawful or unlawful.~~

18 (b) Sentence.

19 Reckless conduct under subdivision (a)(1) ~~subsection (a)~~
20 is a Class A misdemeanor. Reckless conduct under subdivision
21 (a)(2) ~~subsection (a-5)~~ is a Class 4 felony.

22 (Source: P.A. 93-710, eff. 1-1-05.)

23 (720 ILCS 5/12-5.01) (was 720 ILCS 5/12-16.2)

24 Sec. 12-5.01 ~~12-16.2~~. Criminal transmission ~~Transmission~~

1 of HIV.

2 (a) A person commits criminal transmission of HIV when he
3 or she, knowing that he or she is infected with HIV:

4 (1) engages in intimate contact with another;

5 (2) transfers, donates, or provides his or her blood,
6 tissue, semen, organs, or other potentially infectious
7 body fluids for transfusion, transplantation,
8 insemination, or other administration to another; or

9 (3) dispenses, delivers, exchanges, sells, or in any
10 other way transfers to another any nonsterile intravenous
11 or intramuscular drug paraphernalia.

12 (b) For purposes of this Section:

13 "HIV" means the human immunodeficiency virus or any other
14 identified causative agent of acquired immunodeficiency
15 syndrome.

16 "Intimate contact with another" means the exposure of the
17 body of one person to a bodily fluid of another person in a
18 manner that could result in the transmission of HIV.

19 "Intravenous or intramuscular drug paraphernalia" means
20 any equipment, product, or material of any kind which is
21 peculiar to and marketed for use in injecting a substance into
22 the human body.

23 (c) Nothing in this Section shall be construed to require
24 that an infection with HIV has occurred in order for a person
25 to have committed criminal transmission of HIV.

26 (d) It shall be an affirmative defense that the person

1 exposed knew that the infected person was infected with HIV,
2 knew that the action could result in infection with HIV, and
3 consented to the action with that knowledge.

4 (e) A person who commits criminal transmission of HIV
5 commits a Class 2 felony.

6 (Source: P.A. 86-897.)

7 (720 ILCS 5/12-5.02) (was 720 ILCS 5/12-2.5)

8 Sec. 12-5.02 ~~12-2.5~~. Vehicular endangerment ~~Endangerment~~.

9 (a) A person commits vehicular endangerment when he or she
10 strikes ~~Any person who with the intent to strike~~ a motor
11 vehicle ~~causes~~ by causing ~~any means~~ an object to fall from an
12 overpass in the direction of a moving motor vehicle with the
13 intent to strike a motor vehicle while it is traveling upon a
14 any highway in this State, ~~if that object strikes a motor~~
15 ~~vehicle, is guilty of vehicular endangerment.~~

16 (b) Sentence. Vehicular endangerment is a Class 2 felony,
17 unless ~~except when~~ death results, in which case. ~~If death~~
18 ~~results,~~ vehicular endangerment is a Class 1 felony.

19 (c) Definitions. For purposes of this Section:

20 "Object" means any object or substance that by its size,
21 weight, or consistency is likely to cause great bodily harm to
22 any occupant of a motor vehicle.

23 "Overpass" means any structure that passes over a highway.

24 "Motor vehicle" and "highway" have the meanings as defined
25 in the Illinois Vehicle Code.

1 (Source: P.A. 88-467.)

2 (720 ILCS 5/12-5.1) (from Ch. 38, par. 12-5.1)

3 Sec. 12-5.1. Criminal housing management.

4 (a) A person commits ~~the offense of~~ criminal housing
5 management when, having personal management or control of
6 residential real estate, whether as a legal or equitable owner
7 or as a managing agent or otherwise, he or she recklessly
8 permits the physical condition or facilities of the residential
9 real estate to become or remain in any condition which
10 endangers the health or safety of a any person other than the
11 defendant.

12 (b) Sentence.

13 Criminal housing management is a Class A misdemeanor, and
14 a. ~~A subsequent conviction for a violation of subsection (a) is~~
15 a Class 4 felony.

16 (Source: P.A. 85-341.)

17 (720 ILCS 5/12-5.1a) (was 720 ILCS 5/12-5.15)

18 Sec. 12-5.1a ~~12-5.15~~. Aggravated criminal housing
19 management.

20 (a) A person commits ~~the offense of~~ aggravated criminal
21 housing management when he or she commits ~~the offense of~~
22 criminal housing management, and:

23 (1) the condition endangering the health or safety of a
24 person other than the defendant is determined to be a

1 contributing factor in the death of that person; and

2 (2) the person recklessly ~~also~~ conceals or attempts to
3 conceal the condition that endangered the health or safety
4 of the person other than the defendant that is found to be
5 a contributing factor in that death.

6 (b) Sentence. Aggravated criminal housing management is a
7 Class 4 felony.

8 (Source: P.A. 93-852, eff. 8-2-04.)

9 (720 ILCS 5/12-5.2) (from Ch. 38, par. 12-5.2)

10 Sec. 12-5.2. Injunction in connection with criminal
11 housing management or aggravated criminal housing management.

12 (a) In addition to any other remedies, the State's Attorney
13 of the county where the residential property which endangers
14 the health or safety of any person exists is authorized to file
15 a complaint and apply to the circuit court for a temporary
16 restraining order, and such circuit court shall upon hearing
17 grant a temporary restraining order or a preliminary or
18 permanent injunction, without bond, restraining any person who
19 owns, manages, or has any equitable interest in the property,
20 from collecting, receiving or benefiting from any rents or
21 other monies available from the property, so long as the
22 property remains in a condition which endangers the health or
23 safety of any person.

24 (b) The court may order any rents or other monies owed to
25 be paid into an escrow account. The funds are to be paid out of

1 the escrow account only to satisfy the reasonable cost of
2 necessary repairs of the property which had been incurred or
3 will be incurred in ameliorating the condition of the property
4 as described in subsection (a), payment of delinquent real
5 estate taxes on the property or payment of other legal debts
6 relating to the property. The court may order that funds remain
7 in escrow for a reasonable time after the completion of all
8 necessary repairs to assure continued upkeep of the property
9 and satisfaction of other outstanding legal debts of the
10 property.

11 (c) The owner shall be responsible for contracting to have
12 necessary repairs completed and shall be required to submit all
13 bills, together with certificates of completion, to the manager
14 of the escrow account within 30 days after their receipt by the
15 owner.

16 (d) In contracting for any repairs required pursuant to
17 this Section the owner of the property shall enter into a
18 contract only after receiving bids from at least 3 independent
19 contractors capable of making the necessary repairs. If the
20 owner does not contract for the repairs with the lowest bidder,
21 he shall file an affidavit with the court explaining why the
22 lowest bid was not acceptable. At no time, under the provisions
23 of this Section Act, shall the owner contract with anyone who
24 is not a licensed contractor, except that a contractor need not
25 be licensed if neither the State nor the county, township, or
26 municipality where the residential real estate is located

1 requires that the contractor be licensed. The court may order
2 release of those funds in the escrow account that are in excess
3 of the monies that the court determines to its satisfaction are
4 needed to correct the condition of the property as described in
5 subsection (a).

6 For the purposes of this Section, "licensed contractor"
7 means: (i) a contractor licensed by the State, if the State
8 requires the licensure of the contractor; or (ii) a contractor
9 licensed by the county, township, or municipality where the
10 residential real estate is located, if that jurisdiction
11 requires the licensure of the contractor.

12 (e) The Clerk of the Circuit Court shall maintain a
13 separate trust account entitled "Property Improvement Trust
14 Account", which shall serve as the depository for the escrowed
15 funds prescribed by this Section. The Clerk of the Court shall
16 be responsible for the receipt, disbursement, monitoring and
17 maintenance of all funds entrusted to this account, and shall
18 provide to the court a quarterly accounting of the activities
19 for any property, with funds in such account, unless the court
20 orders accountings on a more frequent basis.

21 The Clerk of the Circuit Court shall promulgate rules and
22 procedures to administer the provisions of this Act.

23 (f) Nothing in this Section shall in any way be construed
24 to limit or alter any existing liability incurred, or to be
25 incurred, by the owner or manager except as expressly provided
26 in this Act. Nor shall anything in this Section be construed to

1 create any liability on behalf of the Clerk of the Court, the
2 State's Attorney's office or any other governmental agency
3 involved in this action.

4 Nor shall anything in this Section be construed to
5 authorize tenants to refrain from paying rent.

6 (g) Costs. As part of the costs of an action under this
7 Section, the court shall assess a reasonable fee against the
8 defendant to be paid to the Clerk of the Circuit Court. This
9 amount is to be used solely for the maintenance of the Property
10 Improvement Trust Account. No money obtained directly or
11 indirectly from the property subject to the case may be used to
12 satisfy this cost.

13 (h) The municipal building department or other entity
14 responsible for inspection of property and the enforcement of
15 such local requirements shall, within 5 business days of a
16 request by the State's Attorney, provide all documents
17 requested, which shall include, but not be limited to, all
18 records of inspections, permits and other information relating
19 to any property.

20 (Source: P.A. 88-240.)

21 (720 ILCS 5/12-5.3) (was 720 ILCS 5/12-2.6)

22 Sec. 12-5.3 ~~12-2.6~~. Use of a dangerous place for the
23 commission of a controlled substance or cannabis offense.

24 (a) A person commits ~~the offense of~~ use of a dangerous
25 place for the commission of a controlled substance or cannabis

1 offense when that person knowingly exercises control over any
2 place with the intent to use that place to manufacture,
3 produce, deliver, or possess with intent to deliver a
4 controlled or counterfeit substance or controlled substance
5 analog in violation of Section 401 of the Illinois Controlled
6 Substances Act or to manufacture, produce, deliver, or possess
7 with intent to deliver cannabis in violation of Section 5, 5.1,
8 5.2, 7, or 8 of the Cannabis Control Act and:

9 (1) the place, by virtue of the presence of the
10 substance or substances used or intended to be used to
11 manufacture a controlled or counterfeit substance,
12 controlled substance analog, or cannabis, presents a
13 substantial risk of injury to any person from fire,
14 explosion, or exposure to toxic or noxious chemicals or
15 gas; or

16 (2) the place used or intended to be used to
17 manufacture, produce, deliver, or possess with intent to
18 deliver a controlled or counterfeit substance, controlled
19 substance analog, or cannabis has located within it or
20 surrounding it devices, weapons, chemicals, or explosives
21 designed, hidden, or arranged in a manner that would cause
22 a person to be exposed to a substantial risk of great
23 bodily harm.

24 (b) It may be inferred that a place was intended to be used
25 to manufacture a controlled or counterfeit substance or
26 controlled substance analog if a substance containing a

1 controlled or counterfeit substance or controlled substance
2 analog or a substance containing a chemical important to the
3 manufacture of a controlled or counterfeit substance or
4 controlled substance analog is found at the place of the
5 alleged illegal controlled substance manufacturing in close
6 proximity to equipment or a chemical used for facilitating the
7 manufacture of the controlled or counterfeit substance or
8 controlled substance analog that is alleged to have been
9 intended to be manufactured.

10 (c) As used in this Section, "place" means a premises,
11 conveyance, or location that offers seclusion, shelter, means,
12 or facilitation for manufacturing, producing, possessing, or
13 possessing with intent to deliver a controlled or counterfeit
14 substance, controlled substance analog, or cannabis.

15 (d) Use of a dangerous place for the commission of a
16 controlled substance or cannabis offense is a Class 1 felony.
17 (Source: P.A. 93-516, eff. 1-1-04; 94-743, eff. 5-8-06.)

18 (720 ILCS 5/12-5.5)

19 Sec. 12-5.5. Common carrier recklessness ~~carriers; gross~~
20 ~~neglect.~~

21 (a) A person commits common carrier recklessness when he or
22 she, ~~whoever,~~ having personal management or control of or over
23 a ~~steamboat or other~~ public conveyance used for the common
24 carriage of persons, recklessly endangers the safety of others.

25 (b) Sentence. Common carrier recklessness is ~~is guilty of~~

1 ~~gross carelessness or neglect in, or in relation to, the~~
2 ~~conduct, management, or control of the steamboat or other~~
3 ~~public conveyance, while being so used for the common carriage~~
4 ~~of persons, in which the safety of any person is endangered is~~
5 ~~guilty of a Class 4 felony.~~

6 (Source: P.A. 89-234, eff. 1-1-96.)

7 (720 ILCS 5/Art.12, Subdiv. 15 heading new)

8 SUBDIVISION 15. INTIMIDATION

9 (720 ILCS 5/12-6) (from Ch. 38, par. 12-6)

10 Sec. 12-6. Intimidation.

11 (a) A person commits intimidation when, with intent to
12 cause another to perform or to omit the performance of any act,
13 he or she communicates to another, directly or indirectly by
14 any means ~~whether in person, by telephone or by mail~~, a threat
15 to perform without lawful authority any of the following acts:

16 (1) Inflict physical harm on the person threatened or
17 any other person or on property; or

18 (2) Subject any person to physical confinement or
19 restraint; or

20 (3) Commit a felony or Class A misdemeanor ~~any criminal~~
21 ~~offense~~; or

22 (4) Accuse any person of an offense; or

23 (5) Expose any person to hatred, contempt or ridicule;

24 or

1 (6) Take action as a public official against anyone or
2 anything, or withhold official action, or cause such action
3 or withholding; or

4 (7) Bring about or continue a strike, boycott or other
5 collective action.

6 (b) Sentence.

7 Intimidation is a Class 3 felony for which an offender may
8 be sentenced to a term of imprisonment of not less than 2 years
9 and not more than 10 years.

10 (Source: P.A. 91-696, eff. 4-13-00.)

11 (720 ILCS 5/12-6.2)

12 Sec. 12-6.2. Aggravated intimidation.

13 (a) A person commits ~~the offense of~~ aggravated intimidation
14 when he or she commits ~~the offense of~~ intimidation and:

15 (1) the person committed the offense in furtherance of
16 the activities of an organized gang or because of ~~by~~ the
17 person's membership in or allegiance to an organized gang;
18 or

19 (2) the offense is committed with the intent to prevent
20 any person from becoming a community policing volunteer; or

21 (3) the following conditions are met:

22 (A) the person knew that the victim was: ~~(i)~~ a
23 peace officer, ~~(ii)~~ a correctional institution
24 employee, ~~(iii)~~ a fireman, ~~or~~ ~~(iv)~~ a community
25 policing volunteer; and

- 1 (B) the offense was committed:
- 2 (i) while the victim was engaged in the
- 3 execution of his or her official duties; or
- 4 (ii) to prevent the victim from performing his
- 5 or her official duties;
- 6 (iii) in retaliation for the victim's
- 7 performance of his or her official duties; or
- 8 (iv) by reason of any person's activity as a
- 9 community policing volunteer.

10 (b) Sentence. Aggravated intimidation as defined in

11 paragraph (a)(1) is a Class 1 felony. Aggravated intimidation

12 as defined in paragraph (a)(2) or (a)(3) is a Class 2 felony

13 for which the offender may be sentenced to a term of

14 imprisonment of not less than 3 years nor more than 14 years.

15 (c) (Blank). ~~For the purposes of this Section,~~

16 ~~"streetgang", "streetgang member", and "organized gang" have~~

17 ~~the meanings ascribed to them in Section 10 of the Illinois~~

18 ~~Streetgang Terrorism Omnibus Prevention Act.~~

19 (Source: P.A. 89-631, eff. 1-1-97; 90-651, eff. 1-1-99; 90-655,

20 eff. 7-30-98.)

21 (720 ILCS 5/12-6.4)

22 Sec. 12-6.4. Criminal street gang recruitment on school

23 grounds or public property adjacent to school grounds and

24 criminal street gang recruitment of a minor.

25 (a) A person commits ~~the offense of~~ criminal street gang

1 recruitment on school grounds or public property adjacent to
2 school grounds when on school grounds or public property
3 adjacent to school grounds, he or she knowingly threatens the
4 use of physical force to coerce, solicit, recruit, or induce
5 another person to join or remain a member of a criminal street
6 gang, or conspires to do so.

7 (a-5) A person commits the offense of criminal street gang
8 recruitment of a minor when he or she threatens the use of
9 physical force to coerce, solicit, recruit, or induce another
10 person to join or remain a member of a criminal street gang, or
11 conspires to do so, whether or not such threat is communicated
12 in person, by means of the Internet, or by means of a
13 telecommunications device.

14 (b) Sentence. Criminal street gang recruitment on school
15 grounds or public property adjacent to school grounds is a
16 Class 1 felony and criminal street gang recruitment of a minor
17 is a Class 1 felony.

18 (c) In this Section:

19 ~~"Criminal street gang" has the meaning ascribed to it~~
20 ~~in Section 10 of the Illinois Streetgang Terrorism Omnibus~~
21 ~~Prevention Act.~~

22 "School grounds" means the building or buildings or
23 real property comprising a public or private elementary or
24 secondary school, community college, college, or
25 university and includes a school yard, school playing
26 field, or school playground.

1 "Minor" means any person under 18 years of age.

2 "Internet" means an interactive computer service or
3 system or an information service, system, or access
4 software provider that provides or enables computer access
5 by multiple users to a computer server, and includes, but
6 is not limited to, an information service, system, or
7 access software provider that provides access to a network
8 system commonly known as the Internet, or any comparable
9 system or service and also includes, but is not limited to,
10 a World Wide Web page, newsgroup, message board, mailing
11 list, or chat area on any interactive computer service or
12 system or other online service.

13 "Telecommunications device" means a device that is
14 capable of receiving or transmitting speech, data,
15 signals, text, images, sounds, codes, or other information
16 including, but not limited to, paging devices, telephones,
17 and cellular and mobile telephones.

18 (Source: P.A. 96-199, eff. 1-1-10.)

19 (720 ILCS 5/12-6.5) (was 720 ILCS 5/12-6.1)

20 Sec. 12-6.5 ~~12-6.1~~. Compelling organization membership of
21 persons. A person who knowingly, expressly or impliedly,
22 threatens to do bodily harm or does bodily harm to an
23 individual or to that individual's family or uses any other
24 criminally unlawful means to solicit or cause any person to
25 join, or deter any person from leaving, any organization or

1 association regardless of the nature of such organization or
2 association, is guilty of a Class 2 felony.

3 Any person of the age of 18 years or older who knowingly,
4 expressly or impliedly, threatens to do bodily harm or does
5 bodily harm to a person under 18 years of age or uses any other
6 criminally unlawful means to solicit or cause any person under
7 18 years of age to join, or deter any person under 18 years of
8 age from leaving, any organization or association regardless of
9 the nature of such organization or association is guilty of a
10 Class 1 felony.

11 A person convicted of an offense under this Section shall
12 not be eligible to receive a sentence of probation, conditional
13 discharge, or periodic imprisonment.

14 (Source: P.A. 91-696, eff. 4-13-00.)

15 (720 ILCS 5/12-7) (from Ch. 38, par. 12-7)

16 Sec. 12-7. Compelling confession or information by force or
17 threat.

18 (a) A person who, with intent to obtain a confession,
19 statement or information regarding any offense, knowingly
20 inflicts or threatens imminent bodily harm upon the person
21 threatened or upon any other person commits ~~the offense of~~
22 compelling a confession or information by force or threat.

23 (b) Sentence.

24 Compelling a confession or information is a: (1) Class 4
25 felony if the defendant threatens imminent bodily harm to

1 obtain a confession, statement, or information but does not
2 inflict bodily harm on the victim, (2) Class 3 felony if the
3 defendant inflicts bodily harm on the victim to obtain a
4 confession, statement, or information, and (3) Class 2 felony
5 if the defendant inflicts great bodily harm to obtain a
6 confession, statement, or information.

7 (Source: P.A. 94-1113, eff. 1-1-08.)

8 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

9 Sec. 12-7.1. Hate crime.

10 (a) A person commits hate crime when, by reason of the
11 actual or perceived race, color, creed, religion, ancestry,
12 gender, sexual orientation, physical or mental disability, or
13 national origin of another individual or group of individuals,
14 regardless of the existence of any other motivating factor or
15 factors, he commits assault, battery, aggravated assault,
16 misdemeanor theft, criminal trespass to residence, misdemeanor
17 criminal damage to property, criminal trespass to vehicle,
18 criminal trespass to real property, mob action or disorderly
19 conduct as these crimes are defined in Sections 12-1, 12-2,
20 12-3(a) ~~12-3~~, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of
21 this Code, respectively, or harassment by telephone as defined
22 in Section 1-1 of the Harassing and Obscene Communications Act,
23 or harassment through electronic communications as defined in
24 clauses (a) (2) and (a) (4) of Section 1-2 of the Harassing and
25 Obscene Communications Act.

1 (b) Except as provided in subsection (b-5), hate crime is a
2 Class 4 felony for a first offense and a Class 2 felony for a
3 second or subsequent offense.

4 (b-5) Hate crime is a Class 3 felony for a first offense
5 and a Class 2 felony for a second or subsequent offense if
6 committed:

7 (1) in a church, synagogue, mosque, or other building,
8 structure, or place used for religious worship or other
9 religious purpose;

10 (2) in a cemetery, mortuary, or other facility used for
11 the purpose of burial or memorializing the dead;

12 (3) in a school or other educational facility,
13 including an administrative facility or public or private
14 dormitory facility of or associated with the school or
15 other educational facility;

16 (4) in a public park or an ethnic or religious
17 community center;

18 (5) on the real property comprising any location
19 specified in clauses (1) through (4) of this subsection
20 (b-5); or

21 (6) on a public way within 1,000 feet of the real
22 property comprising any location specified in clauses (1)
23 through (4) of this subsection (b-5).

24 (b-10) Upon imposition of any sentence, the trial court
25 shall also either order restitution paid to the victim or
26 impose a fine up to \$1,000. In addition, any order of probation

1 or conditional discharge entered following a conviction or an
2 adjudication of delinquency shall include a condition that the
3 offender perform public or community service of no less than
4 200 hours if that service is established in the county where
5 the offender was convicted of hate crime. The court may also
6 impose any other condition of probation or conditional
7 discharge under this Section.

8 (c) Independent of any criminal prosecution or the result
9 thereof, any person suffering injury to his person or damage to
10 his property as a result of hate crime may bring a civil action
11 for damages, injunction or other appropriate relief. The court
12 may award actual damages, including damages for emotional
13 distress, or punitive damages. A judgment may include
14 attorney's fees and costs. The parents or legal guardians,
15 other than guardians appointed pursuant to the Juvenile Court
16 Act or the Juvenile Court Act of 1987, of an unemancipated
17 minor shall be liable for the amount of any judgment for actual
18 damages rendered against such minor under this subsection (c)
19 in any amount not exceeding the amount provided under Section 5
20 of the Parental Responsibility Law.

21 (d) "Sexual orientation" means heterosexuality,
22 homosexuality, or bisexuality.

23 (Source: P.A. 93-463, eff. 8-8-03; 93-765, eff. 7-19-04; 94-80,
24 eff. 6-27-05.)

1 Sec. 12-7.3. Stalking.

2 (a) A person commits stalking when he or she knowingly
3 engages in a course of conduct directed at a specific person,
4 and he or she knows or should know that this course of conduct
5 would cause a reasonable person to:

6 (1) fear for his or her safety or the safety of a third
7 person; or

8 (2) suffer other emotional distress.

9 (a-3) A person commits stalking when he or she, knowingly
10 and without lawful justification, on at least 2 separate
11 occasions follows another person or places the person under
12 surveillance or any combination thereof and:

13 (1) at any time transmits a threat of immediate or
14 future bodily harm, sexual assault, confinement or
15 restraint and the threat is directed towards that person or
16 a family member of that person; or

17 (2) places that person in reasonable apprehension of
18 immediate or future bodily harm, sexual assault,
19 confinement or restraint to or of that person or a family
20 member of that person. ~~or~~

21 ~~(3) places that person in reasonable apprehension that~~
22 ~~a family member will receive immediate or future bodily~~
23 ~~harm, sexual assault, confinement, or restraint.~~

24 (a-5) A person commits stalking when he or she has
25 previously been convicted of stalking another person and
26 knowingly and without lawful justification on one occasion:

1 (1) follows that same person or places that same person
2 under surveillance; and

3 (2) transmits a threat of immediate or future bodily
4 harm, sexual assault, confinement or restraint to that
5 person or a family member of that person.; and

6 ~~(3) the threat is directed towards that person or a~~
7 ~~family member of that person.~~

8 (b) Sentence. Stalking is a Class 4 felony; ~~a.~~ A second or
9 subsequent conviction ~~for stalking~~ is a Class 3 felony.

10 (c) Definitions. For purposes of this Section:

11 (1) "Course of conduct" means 2 or more acts, including
12 but not limited to acts in which a defendant directly,
13 indirectly, or through third parties, by any action,
14 method, device, or means follows, monitors, observes,
15 surveils, threatens, or communicates to or about, a person,
16 engages in other non-consensual contact, or interferes
17 with or damages a person's property or pet. A course of
18 conduct may include contact via electronic communications.

19 (2) "Electronic communication" means any transfer of
20 signs, signals, writings, sounds, data, or intelligence of
21 any nature transmitted in whole or in part by a wire,
22 radio, electromagnetic, photoelectric, or photo-optical
23 system. "Electronic communication" includes transmissions
24 by a computer through the Internet to another computer.

25 (3) "Emotional distress" means significant mental
26 suffering, anxiety or alarm.

1 (4) "Family member" means a parent, grandparent,
2 brother, sister, or child, whether by whole blood,
3 half-blood, or adoption and includes a step-grandparent,
4 step-parent, step-brother, step-sister or step-child.
5 "Family member" also means any other person who regularly
6 resides in the household, or who, within the prior 6
7 months, regularly resided in the household.

8 (5) "Follows another person" means (i) to move in
9 relative proximity to a person as that person moves from
10 place to place or (ii) to remain in relative proximity to a
11 person who is stationary or whose movements are confined to
12 a small area. "Follows another person" does not include a
13 following within the residence of the defendant.

14 (6) "Non-consensual contact" means any contact with
15 the victim that is initiated or continued without the
16 victim's consent, including but not limited to being in the
17 physical presence of the victim; appearing within the sight
18 of the victim; approaching or confronting the victim in a
19 public place or on private property; appearing at the
20 workplace or residence of the victim; entering onto or
21 remaining on property owned, leased, or occupied by the
22 victim; or placing an object on, or delivering an object
23 to, property owned, leased, or occupied by the victim.

24 (7) "Places a person under surveillance" means: (1)
25 remaining present outside the person's school, place of
26 employment, vehicle, other place occupied by the person, or

1 residence other than the residence of the defendant; or (2)
2 placing an electronic tracking device on the person or the
3 person's property.

4 (8) "Reasonable person" means a person in the victim's
5 situation.

6 (9) "Transmits a threat" means a verbal or written
7 threat or a threat implied by a pattern of conduct or a
8 combination of verbal or written statements or conduct.

9 (d) Exemptions.

10 (1) This Section does not apply to any individual or
11 organization (i) monitoring or attentive to compliance
12 with public or worker safety laws, wage and hour
13 requirements, or other statutory requirements, or (ii)
14 picketing occurring at the workplace that is otherwise
15 lawful and arises out of a bona fide labor dispute,
16 including any controversy concerning wages, salaries,
17 hours, working conditions or benefits, including health
18 and welfare, sick leave, insurance, and pension or
19 retirement provisions, the making or maintaining of
20 collective bargaining agreements, and the terms to be
21 included in those agreements.

22 (2) This Section does not apply to an exercise of the
23 right to free speech or assembly that is otherwise lawful.

24 (3) Telecommunications carriers, commercial mobile
25 service providers, and providers of information services,
26 including, but not limited to, Internet service providers

1 and hosting service providers, are not liable under this
2 Section, except for willful and wanton misconduct, by
3 virtue of the transmission, storage, or caching of
4 electronic communications or messages of others or by
5 virtue of the provision of other related
6 telecommunications, commercial mobile services, or
7 information services used by others in violation of this
8 Section.

9 (d-5) The incarceration of a person in a penal institution
10 who commits the course of conduct or transmits a threat is not
11 a bar to prosecution under this Section.

12 (Source: P.A. 95-33, eff. 1-1-08; 96-686, eff. 1-1-10.)

13 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

14 Sec. 12-7.4. Aggravated stalking.

15 (a) A person commits aggravated stalking when he or she
16 ~~commits, in conjunction with committing the offense of~~ stalking
17 ~~and, also does any of the following:~~

18 (1) causes bodily harm to the victim;

19 (2) confines or restrains the victim; or

20 (3) violates a temporary restraining order, an order of
21 protection, a stalking no contact order, a civil no contact
22 order, or an injunction prohibiting the behavior described
23 in subsection (b) (1) of Section 214 of the Illinois
24 Domestic Violence Act of 1986.

25 (b) Sentence. Aggravated stalking is a Class 3 felony; ~~a. A~~

1 second or subsequent conviction ~~for aggravated stalking~~ is a
2 Class 2 felony.

3 (c) Exemptions.

4 (1) This Section does not apply to any individual or
5 organization (i) monitoring or attentive to compliance
6 with public or worker safety laws, wage and hour
7 requirements, or other statutory requirements, or (ii)
8 picketing occurring at the workplace that is otherwise
9 lawful and arises out of a bona fide labor dispute
10 including any controversy concerning wages, salaries,
11 hours, working conditions or benefits, including health
12 and welfare, sick leave, insurance, and pension or
13 retirement provisions, the managing or maintenance of
14 collective bargaining agreements, and the terms to be
15 included in those agreements.

16 (2) This Section does not apply to an exercise of the
17 right of free speech or assembly that is otherwise lawful.

18 (3) Telecommunications carriers, commercial mobile
19 service providers, and providers of information services,
20 including, but not limited to, Internet service providers
21 and hosting service providers, are not liable under this
22 Section, except for willful and wanton misconduct, by
23 virtue of the transmission, storage, or caching of
24 electronic communications or messages of others or by
25 virtue of the provision of other related
26 telecommunications, commercial mobile services, or

1 information services used by others in violation of this
2 Section.

3 (Source: P.A. 96-686, eff. 1-1-10.)

4 (720 ILCS 5/12-7.5)

5 Sec. 12-7.5. Cyberstalking.

6 (a) A person commits cyberstalking when he or she engages
7 in a course of conduct using electronic communication directed
8 at a specific person, and he or she knows or should know that
9 would cause a reasonable person to:

10 (1) fear for his or her safety or the safety of a third
11 person; or

12 (2) suffer other emotional distress.

13 (a-3) A person commits cyberstalking when he or she,
14 knowingly and without lawful justification, on at least 2
15 separate occasions, harasses another person through the use of
16 electronic communication and:

17 (1) at any time transmits a threat of immediate or
18 future bodily harm, sexual assault, confinement, or
19 restraint and the threat is directed towards that person or
20 a family member of that person; or

21 (2) places that person or a family member of that
22 person in reasonable apprehension of immediate or future
23 bodily harm, sexual assault, confinement, or restraint; or

24 (3) at any time knowingly solicits the commission of an
25 act by any person which would be a violation of this Code

1 directed towards that person or a family member of that
2 person.

3 (a-5) A person commits cyberstalking when he or she,
4 knowingly and without lawful justification, creates and
5 maintains an Internet website or webpage which is accessible to
6 one or more third parties for a period of at least 24 hours,
7 and which contains statements harassing another person and:

8 (1) which communicates a threat of immediate or future
9 bodily harm, sexual assault, confinement, or restraint,
10 where the threat is directed towards that person or a
11 family member of that person, or

12 (2) which places that person or a family member of that
13 person in reasonable apprehension of immediate or future
14 bodily harm, sexual assault, confinement, or restraint, or

15 (3) which knowingly solicits the commission of an act
16 by any person which would be a violation of this Code
17 directed towards that person or a family member of that
18 person.

19 (b) Sentence. Cyberstalking is a Class 4 felony; ~~a. A~~
20 second or subsequent conviction ~~for cyberstalking~~ is a Class 3
21 felony.

22 (c) For purposes of this Section:

23 (1) "Course of conduct" means 2 or more acts, including
24 but not limited to acts in which a defendant directly,
25 indirectly, or through third parties, by any action,
26 method, device, or means follows, monitors, observes,

1 surveils, threatens, or communicates to or about, a person,
2 engages in other non-consensual contact, or interferes
3 with or damages a person's property or pet. The
4 incarceration in a penal institution of a person who
5 commits the course of conduct is not a bar to prosecution
6 under this Section.

7 (2) "Electronic communication" means any transfer of
8 signs, signals, writings, sounds, data, or intelligence of
9 any nature transmitted in whole or in part by a wire,
10 radio, electromagnetic, photoelectric, or photo-optical
11 system. "Electronic communication" includes transmissions
12 by a computer through the Internet to another computer.

13 (3) "Emotional distress" means significant mental
14 suffering, anxiety or alarm.

15 (4) "Harass" means to engage in a knowing and willful
16 course of conduct directed at a specific person that
17 alarms, torments, or terrorizes that person.

18 (5) "Non-consensual contact" means any contact with
19 the victim that is initiated or continued without the
20 victim's consent, including but not limited to being in the
21 physical presence of the victim; appearing within the sight
22 of the victim; approaching or confronting the victim in a
23 public place or on private property; appearing at the
24 workplace or residence of the victim; entering onto or
25 remaining on property owned, leased, or occupied by the
26 victim; or placing an object on, or delivering an object

1 to, property owned, leased, or occupied by the victim.

2 (6) "Reasonable person" means a person in the victim's
3 circumstances, with the victim's knowledge of the
4 defendant and the defendant's prior acts.

5 (7) "Third party" means any person other than the
6 person violating these provisions and the person or persons
7 towards whom the violator's actions are directed.

8 (d) Telecommunications carriers, commercial mobile service
9 providers, and providers of information services, including,
10 but not limited to, Internet service providers and hosting
11 service providers, are not liable under this Section, except
12 for willful and wanton misconduct, by virtue of the
13 transmission, storage, or caching of electronic communications
14 or messages of others or by virtue of the provision of other
15 related telecommunications, commercial mobile services, or
16 information services used by others in violation of this
17 Section.

18 (Source: P.A. 95-849, eff. 1-1-09; 96-328, eff. 8-11-09;
19 96-686, eff. 1-1-10; revised 10-20-09.)

20 (720 ILCS 5/12-7.6)

21 Sec. 12-7.6. Cross burning.

22 (a) A person commits ~~the offense of~~ cross burning when he
23 or she ~~who~~, with the intent to intimidate any other person or
24 group of persons, burns or causes to be burned a cross.

25 (b) Sentence. Cross burning is a Class A misdemeanor for a

1 first offense and a Class 4 felony for a second or subsequent
2 offense.

3 (c) For the purposes of this Section, a person acts with
4 the "intent to intimidate" when he or she intentionally places
5 or attempts to place another person in fear of physical injury
6 or fear of damage to that other person's property.

7 (Source: P.A. 93-764, eff. 1-1-05.)

8 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

9 Sec. 12-9. Threatening public officials.

10 (a) A person commits ~~the offense of~~ threatening a public
11 official when:

12 (1) that person knowingly ~~and willfully~~ delivers or
13 conveys, directly or indirectly, to a public official by
14 any means a communication:

15 (i) containing a threat that would place the public
16 official or a member of his or her immediate family in
17 reasonable apprehension of immediate or future bodily
18 harm, sexual assault, confinement, or restraint; or

19 (ii) containing a threat that would place the
20 public official or a member of his or her immediate
21 family in reasonable apprehension that damage will
22 occur to property in the custody, care, or control of
23 the public official or his or her immediate family; and

24 (2) the threat was conveyed because of the performance
25 or nonperformance of some public duty, because of hostility

1 of the person making the threat toward the status or
2 position of the public official, or because of any other
3 factor related to the official's public existence.

4 (a-5) For purposes of a threat to a sworn law enforcement
5 officer, the threat must contain specific facts indicative of a
6 unique threat to the person, family or property of the officer
7 and not a generalized threat of harm.

8 (b) For purposes of this Section:

9 (1) "Public official" means a person who is elected to
10 office in accordance with a statute or who is appointed to
11 an office which is established, and the qualifications and
12 duties of which are prescribed, by statute, to discharge a
13 public duty for the State or any of its political
14 subdivisions or in the case of an elective office any
15 person who has filed the required documents for nomination
16 or election to such office. "Public official" includes a
17 duly appointed assistant State's Attorney, assistant
18 Attorney General, or Appellate Prosecutor, and a sworn law
19 enforcement or peace officer.

20 (2) "Immediate family" means a public official's
21 spouse or child or children.

22 (c) Threatening a public official is a Class 3 felony for a
23 first offense and a Class 2 felony for a second or subsequent
24 offense.

25 (Source: P.A. 95-466, eff. 6-1-08.)

1 (720 ILCS 5/Art.12, Subdiv. 20 heading new)

2 SUBDIVISION 20. MUTILATION

3 (720 ILCS 5/12-10.2)

4 Sec. 12-10.2. Tongue splitting.

5 (a) In this Section, "tongue splitting" means the cutting
6 of a human tongue into 2 or more parts.

7 (b) A person may not knowingly perform tongue splitting on
8 another person unless the person performing the tongue
9 splitting is licensed to practice medicine in all its branches
10 under the Medical Practice Act of 1987 or licensed under the
11 Illinois Dental Practice Act.

12 (c) Sentence. Tongue splitting performed in violation of
13 this Section is a Class A misdemeanor for a first offense and a
14 Class 4 felony for a second or subsequent offense.

15 (Source: P.A. 93-449, eff. 1-1-04.)

16 (720 ILCS 5/12-20) (from Ch. 38, par. 12-20)

17 Sec. 12-20. Sale of body parts.

18 (a) Except as provided in subsection (b), any person who
19 knowingly buys or sells, or offers to buy or sell, a human body
20 or any part of a human body, is guilty of a Class A misdemeanor
21 for the first conviction and a Class 4 felony for subsequent
22 convictions.

23 (b) This Section does not prohibit:

24 (1) An anatomical gift made in accordance with the

1 Illinois Anatomical Gift Act.

2 (2) (Blank). ~~The removal and use of a human cornea in~~
3 ~~accordance with the Illinois Anatomical Gift Act.~~

4 (3) Reimbursement of actual expenses incurred by a
5 living person in donating an organ, tissue or other body
6 part or fluid for transplantation, implantation, infusion,
7 injection, or other medical or scientific purpose,
8 including medical costs, loss of income, and travel
9 expenses.

10 (4) Payments provided under a plan of insurance or
11 other health care coverage.

12 (5) Reimbursement of reasonable costs associated with
13 the removal, storage or transportation of a human body or
14 part thereof donated for medical or scientific purposes.

15 (6) Purchase or sale of blood, plasma, blood products
16 or derivatives, other body fluids, or human hair.

17 (7) Purchase or sale of drugs, reagents or other
18 substances made from human bodies or body parts, for use in
19 medical or scientific research, treatment or diagnosis.

20 (Source: P.A. 93-794, eff. 7-22-04.)

21 (720 ILCS 5/12-20.5)

22 Sec. 12-20.5. Dismembering a human body.

23 (a) A person commits ~~the offense of~~ dismembering a human
24 body when he or she knowingly dismembers, severs, separates,
25 dissects, or mutilates any body part of a deceased's body.

1 (b) This Section does not apply to:

2 (1) an anatomical gift made in accordance with the
3 Illinois Anatomical Gift Act;

4 (2) (blank); ~~the removal and use of a human cornea in~~
5 ~~accordance with the Illinois Anatomical Gift Act;~~

6 (3) the purchase or sale of drugs, reagents, or other
7 substances made from human body parts, for the use in
8 medical or scientific research, treatment, or diagnosis;

9 (4) persons employed by a county medical examiner's
10 office or coroner's office acting within the scope of their
11 employment while performing an autopsy;

12 (5) the acts of a licensed funeral director or embalmer
13 while performing acts authorized by the Funeral Directors
14 and Embalmers Licensing Code;

15 (6) the acts of emergency medical personnel or
16 physicians performed in good faith and according to the
17 usual and customary standards of medical practice in an
18 attempt to resuscitate a life; or

19 (7) physicians licensed to practice medicine in all of
20 its branches or holding a visiting professor, physician, or
21 resident permit under the Medical Practice Act of 1987,
22 performing acts in accordance with usual and customary
23 standards of medical practice, or a currently enrolled
24 student in an accredited medical school in furtherance of
25 his or her education at the accredited medical school.

26 (c) It is not a defense to a violation of this Section that

1 the decedent died due to natural, accidental, or suicidal
2 causes.

3 (d) Sentence. Dismembering a human body is a Class X
4 felony.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 (720 ILCS 5/12-32) (from Ch. 38, par. 12-32)

7 Sec. 12-32. Ritual ~~mutilation~~ Mutilation.

8 (a) A person commits ~~the offense of~~ ritual mutilation~~7~~, when
9 he or she knowingly mutilates, dismembers or tortures another
10 person as part of a ceremony, rite, initiation, observance,
11 performance or practice, and the victim did not consent or
12 under such circumstances that the defendant knew or should have
13 known that the victim was unable to render effective consent.

14 (b) Ritual mutilation does not include the practice of male
15 circumcision or a ceremony, rite, initiation, observance, or
16 performance related thereto. ~~Sentence. Ritual mutilation is a~~
17 ~~Class 2 felony.~~

18 (c) Sentence. Ritual mutilation is a Class 2 felony. ~~The~~
19 ~~offense ritual mutilation does not include the practice of male~~
20 ~~circumcision or a ceremony, rite, initiation, observance, or~~
21 ~~performance related thereto.~~

22 (Source: P.A. 90-88, eff. 1-1-98.)

23 (720 ILCS 5/12-33) (from Ch. 38, par. 12-33)

24 Sec. 12-33. Ritualized abuse of a child.

1 (a) A person commits ~~is guilty of~~ ritualized abuse of a
2 child when he or she knowingly commits any of the following
3 acts with, upon, or in the presence of a child as part of a
4 ceremony, rite or any similar observance:

5 (1) actually or in simulation, tortures, mutilates, or
6 sacrifices any warm-blooded animal or human being;

7 (2) forces ingestion, injection or other application
8 of any narcotic, drug, hallucinogen or anaesthetic for the
9 purpose of dulling sensitivity, cognition, recollection
10 of, or resistance to any criminal activity;

11 (3) forces ingestion, or external application, of
12 human or animal urine, feces, flesh, blood, bones, body
13 secretions, nonprescribed drugs or chemical compounds;

14 (4) involves the child in a mock, unauthorized or
15 unlawful marriage ceremony with another person or
16 representation of any force or deity, followed by sexual
17 contact with the child;

18 (5) places a living child into a coffin or open grave
19 containing a human corpse or remains;

20 (6) threatens death or serious harm to a child, his or
21 her parents, family, pets, or friends that instills a
22 well-founded fear in the child that the threat will be
23 carried out; or

24 (7) unlawfully dissects, mutilates, or incinerates a
25 human corpse.

26 (b) The provisions of this Section shall not be construed

1 to apply to:

2 (1) lawful agricultural, animal husbandry, food
3 preparation, or wild game hunting and fishing practices and
4 specifically the branding or identification of livestock;

5 (2) the lawful medical practice of male circumcision or
6 any ceremony related to male circumcision;

7 (3) any state or federally approved, licensed, or
8 funded research project; or

9 (4) the ingestion of animal flesh or blood in the
10 performance of a religious service or ceremony.

11 (b-5) For the purposes of this Section, "child" means any
12 person under 18 years of age.

13 (c) Ritualized abuse of a child is a Class 1 felony for a
14 first offense. A second or subsequent conviction for ritualized
15 abuse of a child is a Class X felony for which the offender may
16 be sentenced to a term of natural life imprisonment.

17 (d) (Blank). ~~For the purposes of this Section, "child"~~
18 ~~means any person under 18 years of age.~~

19 (Source: P.A. 90-88, eff. 1-1-98.)

20 (720 ILCS 5/12-34)

21 Sec. 12-34. Female genital mutilation.

22 (a) Except as otherwise permitted in subsection (b),
23 whoever knowingly circumcises, excises, or infibulates, in
24 whole or in part, the labia majora, labia minora, or clitoris
25 of another commits ~~the offense of~~ female genital mutilation.

1 Consent to the procedure by a minor on whom it is performed or
2 by the minor's parent or guardian is not a defense to a
3 violation of this Section.

4 (b) A surgical procedure is not a violation of subsection
5 (a) if the procedure is performed by a physician licensed to
6 practice medicine in all its branches and:

7 (1) is necessary to the health of the person on whom it
8 is performed ~~and is performed by a physician licensed to~~
9 ~~practice medicine in all of its branches;~~ or

10 (2) is performed on a person who is in labor or who has
11 just given birth and is performed for medical purposes
12 connected with that labor or birth ~~by a physician licensed~~
13 ~~to practice medicine in all of its branches.~~

14 (c) Sentence. Female genital mutilation is a Class X
15 felony.

16 (Source: P.A. 90-88, eff. 1-1-98.)

17 (720 ILCS 5/Art. 12, Subdiv. 25 heading new)

18 SUBDIVISION 25. OTHER HARM OFFENSES

19 (720 ILCS 5/12-34.5) (was 720 ILCS 5/12-31)

20 Sec. 12-34.5 ~~12-31~~. Inducement to commit suicide ~~Commit~~
21 ~~Suicide~~.

22 (a) A person commits ~~the offense of~~ inducement to commit
23 suicide when he or she does either of the following:

24 (1) Knowingly coerces ~~Coerces~~ another to commit

1 suicide and the other person commits or attempts to commit
2 suicide as a direct result of the coercion, and he or she
3 exercises substantial control over the other person
4 through (i) control of the other person's physical location
5 or circumstances; (ii) use of psychological pressure; or
6 (iii) use of actual or ostensible religious, political,
7 social, philosophical or other principles.

8 (2) With knowledge that another person intends to
9 commit or attempt to commit suicide, intentionally (i)
10 offers and provides the physical means by which another
11 person commits or attempts to commit suicide, or (ii)
12 participates in a physical act by which another person
13 commits or attempts to commit suicide.

14 For the purposes of this Section, "attempts to commit
15 suicide" means any act done with the intent to commit suicide
16 and which constitutes a substantial step toward commission of
17 suicide.

18 (b) Sentence. Inducement to commit suicide under paragraph
19 (a) (1) when the other person commits suicide as a direct result
20 of the coercion is a Class 2 felony. Inducement to commit
21 suicide under paragraph (a) (2) when the other person commits
22 suicide as a direct result of the assistance provided is a
23 Class 4 felony. Inducement to commit suicide under paragraph
24 (a) (1) when the other person attempts to commit suicide as a
25 direct result of the coercion is a Class 3 felony. Inducement
26 to commit suicide under paragraph (a) (2) when the other person

1 attempts to commit suicide as a direct result of the assistance
2 provided is a Class A misdemeanor.

3 (c) The lawful compliance or a good-faith attempt at lawful
4 compliance with the Illinois Living Will Act, the Health Care
5 Surrogate Act, or the Powers of Attorney for Health Care Law is
6 not inducement to commit suicide under paragraph (a) (2) of this
7 Section.

8 (Source: P.A. 87-1167; 88-392.)

9 (720 ILCS 5/12-35)

10 Sec. 12-35. Sexual conduct or sexual contact with an
11 animal.

12 (a) A person may not knowingly engage in any sexual conduct
13 or sexual contact with an animal.

14 (b) (Blank). ~~A person may not knowingly cause, aid, or abet~~
15 ~~another person to engage in any sexual conduct or sexual~~
16 ~~contact with an animal.~~

17 (c) (Blank). ~~A person may not knowingly permit any sexual~~
18 ~~conduct or sexual contact with an animal to be conducted on any~~
19 ~~premises under his or her charge or control.~~

20 (d) (Blank). ~~A person may not knowingly engage in, promote,~~
21 ~~aid, or abet any activity involving any sexual conduct or~~
22 ~~sexual contact with an animal for a commercial or recreational~~
23 ~~purpose.~~

24 (e) Sentence. A person who violates this Section is guilty
25 of a Class 4 felony. A person who violates this Section in the

1 presence of a person under 18 years of age or causes the animal
2 serious physical injury or death is guilty of a Class 3 felony.

3 (f) In addition to the penalty imposed in subsection (e),
4 the court may order that the defendant do any of the following:

5 (1) Not harbor animals or reside in any household where
6 animals are present for a reasonable period of time or
7 permanently, if necessary.

8 (2) Relinquish and permanently forfeit all animals
9 residing in the household to a recognized or duly organized
10 animal shelter or humane society.

11 (3) Undergo a psychological evaluation and counseling
12 at defendant's expense.

13 (4) Reimburse the animal shelter or humane society for
14 any reasonable costs incurred for the care and maintenance
15 of the animal involved in the sexual conduct or sexual
16 contact in addition to any animals relinquished to the
17 animal shelter or humane society.

18 (g) Nothing in this Section shall be construed to prohibit
19 accepted animal husbandry practices or accepted veterinary
20 medical practices by a licensed veterinarian or certified
21 veterinary technician.

22 (h) If the court has reasonable grounds to believe that a
23 violation of this Section has occurred, the court may order the
24 seizure of all animals involved in the alleged violation as a
25 condition of bond of a person charged with a violation of this
26 Section.

1 (i) In this Section:

2 "Animal" means every creature, either alive or dead, other
3 than a human being.

4 "Sexual conduct" means any knowing touching or fondling by
5 a person, either directly or through clothing, of the sex
6 organs or anus of an animal or any transfer or transmission of
7 semen by the person upon any part of the animal, for the
8 purpose of sexual gratification or arousal of the person.

9 "Sexual contact" means any contact, however slight,
10 between the sex organ or anus of a person and the sex organ,
11 mouth, or anus of an animal, or any intrusion, however slight,
12 of any part of the body of the person into the sex organ or anus
13 of an animal, for the purpose of sexual gratification or
14 arousal of the person. Evidence of emission of semen is not
15 required to prove sexual contact.

16 (Source: P.A. 92-721, eff. 1-1-03.)

17 (720 ILCS 5/12-4.1 rep.)

18 (720 ILCS 5/12-4.2 rep.)

19 (720 ILCS 5/12-4.2-5 rep.)

20 (720 ILCS 5/12-4.3 rep.)

21 (720 ILCS 5/12-4.4 rep.)

22 (720 ILCS 5/12-4.6 rep.)

23 (720 ILCS 5/12-4.7 rep.)

24 (720 ILCS 5/12-4.8 rep.)

25 (720 ILCS 5/12-19 rep.)

1 (720 ILCS 5/12-21 rep.)

2 (720 ILCS 5/Art. 45 heading rep.)

3 Section 10. The Criminal Code of 1961 is amended by
4 repealing Sections 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
5 12-4.6, 12-4.7, 12-4.8, 12-19, and 12-21 and the heading of
6 Article 45.

7 Section 900. The Children and Family Services Act is
8 amended by changing Section 7 as follows:

9 (20 ILCS 505/7) (from Ch. 23, par. 5007)

10 Sec. 7. Placement of children; considerations.

11 (a) In placing any child under this Act, the Department
12 shall place such child, as far as possible, in the care and
13 custody of some individual holding the same religious belief as
14 the parents of the child, or with some child care facility
15 which is operated by persons of like religious faith as the
16 parents of such child.

17 (b) In placing a child under this Act, the Department may
18 place a child with a relative if the Department determines that
19 the relative will be able to adequately provide for the child's
20 safety and welfare based on the factors set forth in the
21 Department's rules governing relative placements, and that the
22 placement is consistent with the child's best interests, taking
23 into consideration the factors set out in subsection (4.05) of
24 Section 1-3 of the Juvenile Court Act of 1987.

1 When the Department first assumes custody of a child, in
2 placing that child under this Act, the Department shall make
3 reasonable efforts to identify and locate a relative who is
4 ready, willing, and able to care for the child. At a minimum,
5 these efforts shall be renewed each time the child requires a
6 placement change and it is appropriate for the child to be
7 cared for in a home environment. The Department must document
8 its efforts to identify and locate such a relative placement
9 and maintain the documentation in the child's case file.

10 If the Department determines that a placement with any
11 identified relative is not in the child's best interests or
12 that the relative does not meet the requirements to be a
13 relative caregiver, as set forth in Department rules or by
14 statute, the Department must document the basis for that
15 decision and maintain the documentation in the child's case
16 file.

17 If, pursuant to the Department's rules, any person files an
18 administrative appeal of the Department's decision not to place
19 a child with a relative, it is the Department's burden to prove
20 that the decision is consistent with the child's best
21 interests.

22 When the Department determines that the child requires
23 placement in an environment, other than a home environment, the
24 Department shall continue to make reasonable efforts to
25 identify and locate relatives to serve as visitation resources
26 for the child and potential future placement resources, except

1 when the Department determines that those efforts would be
2 futile or inconsistent with the child's best interests.

3 If the Department determines that efforts to identify and
4 locate relatives would be futile or inconsistent with the
5 child's best interests, the Department shall document the basis
6 of its determination and maintain the documentation in the
7 child's case file.

8 If the Department determines that an individual or a group
9 of relatives are inappropriate to serve as visitation resources
10 or possible placement resources, the Department shall document
11 the basis of its determination and maintain the documentation
12 in the child's case file.

13 When the Department determines that an individual or a
14 group of relatives are appropriate to serve as visitation
15 resources or possible future placement resources, the
16 Department shall document the basis of its determination,
17 maintain the documentation in the child's case file, create a
18 visitation or transition plan, or both, and incorporate the
19 visitation or transition plan, or both, into the child's case
20 plan. For the purpose of this subsection, any determination as
21 to the child's best interests shall include consideration of
22 the factors set out in subsection (4.05) of Section 1-3 of the
23 Juvenile Court Act of 1987.

24 The Department may not place a child with a relative, with
25 the exception of certain circumstances which may be waived as
26 defined by the Department in rules, if the results of a check

1 of the Law Enforcement Agencies Data System (LEADS) identifies
2 a prior criminal conviction of the relative or any adult member
3 of the relative's household for any of the following offenses
4 under the Criminal Code of 1961:

5 (1) murder;

6 (1.1) solicitation of murder;

7 (1.2) solicitation of murder for hire;

8 (1.3) intentional homicide of an unborn child;

9 (1.4) voluntary manslaughter of an unborn child;

10 (1.5) involuntary manslaughter;

11 (1.6) reckless homicide;

12 (1.7) concealment of a homicidal death;

13 (1.8) involuntary manslaughter of an unborn child;

14 (1.9) reckless homicide of an unborn child;

15 (1.10) drug-induced homicide;

16 (2) a sex offense under Article 11, except offenses
17 described in Sections 11-7, 11-8, 11-12, and 11-13;

18 (3) kidnapping;

19 (3.1) aggravated unlawful restraint;

20 (3.2) forcible detention;

21 (3.3) aiding and abetting child abduction;

22 (4) aggravated kidnapping;

23 (5) child abduction;

24 (6) aggravated battery of a child as described in
25 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

26 (7) criminal sexual assault;

1 (8) aggravated criminal sexual assault;

2 (8.1) predatory criminal sexual assault of a child;

3 (9) criminal sexual abuse;

4 (10) aggravated sexual abuse;

5 (11) heinous battery as described in Section 12-4.1 or
6 subdivision (a) (2) of Section 12-3.05;

7 (12) aggravated battery with a firearm as described in
8 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
9 (e) (4) of Section 12-3.05;

10 (13) tampering with food, drugs, or cosmetics;

11 (14) drug-induced infliction of great bodily harm as
12 described in Section 12-4.7 or subdivision (g) (1) of
13 Section 12-3.05;

14 (15) aggravated stalking;

15 (16) home invasion;

16 (17) vehicular invasion;

17 (18) criminal transmission of HIV;

18 (19) criminal abuse or neglect of an elderly or
19 disabled person as described in Section 12-21 or subsection
20 (b) of Section 12-4.4a;

21 (20) child abandonment;

22 (21) endangering the life or health of a child;

23 (22) ritual mutilation;

24 (23) ritualized abuse of a child;

25 (24) an offense in any other state the elements of
26 which are similar and bear a substantial relationship to

1 any of the foregoing offenses.

2 For the purpose of this subsection, "relative" shall include
3 any person, 21 years of age or over, other than the parent, who
4 (i) is currently related to the child in any of the following
5 ways by blood or adoption: grandparent, sibling,
6 great-grandparent, uncle, aunt, nephew, niece, first cousin,
7 second cousin, godparent, great-uncle, or great-aunt; or (ii)
8 is the spouse of such a relative; or (iii) is the child's
9 step-father, step-mother, or adult step-brother or
10 step-sister; "relative" also includes a person related in any
11 of the foregoing ways to a sibling of a child, even though the
12 person is not related to the child, when the child and its
13 sibling are placed together with that person. For children who
14 have been in the guardianship of the Department, have been
15 adopted, and are subsequently returned to the temporary custody
16 or guardianship of the Department, a "relative" may also
17 include any person who would have qualified as a relative under
18 this paragraph prior to the adoption, but only if the
19 Department determines, and documents, that it would be in the
20 child's best interests to consider this person a relative,
21 based upon the factors for determining best interests set forth
22 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
23 of 1987. A relative with whom a child is placed pursuant to
24 this subsection may, but is not required to, apply for
25 licensure as a foster family home pursuant to the Child Care
26 Act of 1969; provided, however, that as of July 1, 1995, foster

1 care payments shall be made only to licensed foster family
2 homes pursuant to the terms of Section 5 of this Act.

3 (c) In placing a child under this Act, the Department shall
4 ensure that the child's health, safety, and best interests are
5 met. In rejecting placement of a child with an identified
6 relative, the Department shall ensure that the child's health,
7 safety, and best interests are met. In evaluating the best
8 interests of the child, the Department shall take into
9 consideration the factors set forth in subsection (4.05) of
10 Section 1-3 of the Juvenile Court Act of 1987.

11 The Department shall consider the individual needs of the
12 child and the capacity of the prospective foster or adoptive
13 parents to meet the needs of the child. When a child must be
14 placed outside his or her home and cannot be immediately
15 returned to his or her parents or guardian, a comprehensive,
16 individualized assessment shall be performed of that child at
17 which time the needs of the child shall be determined. Only if
18 race, color, or national origin is identified as a legitimate
19 factor in advancing the child's best interests shall it be
20 considered. Race, color, or national origin shall not be
21 routinely considered in making a placement decision. The
22 Department shall make special efforts for the diligent
23 recruitment of potential foster and adoptive families that
24 reflect the ethnic and racial diversity of the children for
25 whom foster and adoptive homes are needed. "Special efforts"
26 shall include contacting and working with community

1 organizations and religious organizations and may include
2 contracting with those organizations, utilizing local media
3 and other local resources, and conducting outreach activities.

4 (c-1) At the time of placement, the Department shall
5 consider concurrent planning, as described in subsection (l-1)
6 of Section 5, so that permanency may occur at the earliest
7 opportunity. Consideration should be given so that if
8 reunification fails or is delayed, the placement made is the
9 best available placement to provide permanency for the child.

10 (d) The Department may accept gifts, grants, offers of
11 services, and other contributions to use in making special
12 recruitment efforts.

13 (e) The Department in placing children in adoptive or
14 foster care homes may not, in any policy or practice relating
15 to the placement of children for adoption or foster care,
16 discriminate against any child or prospective adoptive or
17 foster parent on the basis of race.

18 (Source: P.A. 94-880, eff. 8-1-06.)

19 Section 905. The Criminal Identification Act is amended by
20 changing Sections 2.1 and 5.2 as follows:

21 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

22 Sec. 2.1. For the purpose of maintaining complete and
23 accurate criminal records of the Department of State Police, it
24 is necessary for all policing bodies of this State, the clerk

1 of the circuit court, the Illinois Department of Corrections,
2 the sheriff of each county, and State's Attorney of each county
3 to submit certain criminal arrest, charge, and disposition
4 information to the Department for filing at the earliest time
5 possible. Unless otherwise noted herein, it shall be the duty
6 of all policing bodies of this State, the clerk of the circuit
7 court, the Illinois Department of Corrections, the sheriff of
8 each county, and the State's Attorney of each county to report
9 such information as provided in this Section, both in the form
10 and manner required by the Department and within 30 days of the
11 criminal history event. Specifically:

12 (a) Arrest Information. All agencies making arrests for
13 offenses which are required by statute to be collected,
14 maintained or disseminated by the Department of State Police
15 shall be responsible for furnishing daily to the Department
16 fingerprints, charges and descriptions of all persons who are
17 arrested for such offenses. All such agencies shall also notify
18 the Department of all decisions by the arresting agency not to
19 refer such arrests for prosecution. With approval of the
20 Department, an agency making such arrests may enter into
21 arrangements with other agencies for the purpose of furnishing
22 daily such fingerprints, charges and descriptions to the
23 Department upon its behalf.

24 (b) Charge Information. The State's Attorney of each county
25 shall notify the Department of all charges filed and all
26 petitions filed alleging that a minor is delinquent, including

1 all those added subsequent to the filing of a case, and whether
2 charges were not filed in cases for which the Department has
3 received information required to be reported pursuant to
4 paragraph (a) of this Section. With approval of the Department,
5 the State's Attorney may enter into arrangements with other
6 agencies for the purpose of furnishing the information required
7 by this subsection (b) to the Department upon the State's
8 Attorney's behalf.

9 (c) Disposition Information. The clerk of the circuit court
10 of each county shall furnish the Department, in the form and
11 manner required by the Supreme Court, with all final
12 dispositions of cases for which the Department has received
13 information required to be reported pursuant to paragraph (a)
14 or (d) of this Section. Such information shall include, for
15 each charge, all (1) judgments of not guilty, judgments of
16 guilty including the sentence pronounced by the court, findings
17 that a minor is delinquent and any sentence made based on those
18 findings, discharges and dismissals in the court; (2) reviewing
19 court orders filed with the clerk of the circuit court which
20 reverse or remand a reported conviction or findings that a
21 minor is delinquent or that vacate or modify a sentence or
22 sentence made following a trial that a minor is delinquent; (3)
23 continuances to a date certain in furtherance of an order of
24 supervision granted under Section 5-6-1 of the Unified Code of
25 Corrections or an order of probation granted under Section 10
26 of the Cannabis Control Act, Section 410 of the Illinois

1 Controlled Substances Act, Section 70 of the Methamphetamine
2 Control and Community Protection Act, Section 12-4.3 or
3 subdivision (b) (1) of Section 12-3.05 of the Criminal Code of
4 1961, Section 10-102 of the Illinois Alcoholism and Other Drug
5 Dependency Act, Section 40-10 of the Alcoholism and Other Drug
6 Abuse and Dependency Act, Section 10 of the Steroid Control
7 Act, or Section 5-615 of the Juvenile Court Act of 1987; and
8 (4) judgments or court orders terminating or revoking a
9 sentence to or juvenile disposition of probation, supervision
10 or conditional discharge and any resentencing or new court
11 orders entered by a juvenile court relating to the disposition
12 of a minor's case involving delinquency after such revocation.

13 (d) Fingerprints After Sentencing.

14 (1) After the court pronounces sentence, sentences a
15 minor following a trial in which a minor was found to be
16 delinquent or issues an order of supervision or an order of
17 probation granted under Section 10 of the Cannabis Control
18 Act, Section 410 of the Illinois Controlled Substances Act,
19 Section 70 of the Methamphetamine Control and Community
20 Protection Act, Section 12-4.3 or subdivision (b) (1) of
21 Section 12-3.05 of the Criminal Code of 1961, Section
22 10-102 of the Illinois Alcoholism and Other Drug Dependency
23 Act, Section 40-10 of the Alcoholism and Other Drug Abuse
24 and Dependency Act, Section 10 of the Steroid Control Act,
25 or Section 5-615 of the Juvenile Court Act of 1987 for any
26 offense which is required by statute to be collected,

1 maintained, or disseminated by the Department of State
2 Police, the State's Attorney of each county shall ask the
3 court to order a law enforcement agency to fingerprint
4 immediately all persons appearing before the court who have
5 not previously been fingerprinted for the same case. The
6 court shall so order the requested fingerprinting, if it
7 determines that any such person has not previously been
8 fingerprinted for the same case. The law enforcement agency
9 shall submit such fingerprints to the Department daily.

10 (2) After the court pronounces sentence or makes a
11 disposition of a case following a finding of delinquency
12 for any offense which is not required by statute to be
13 collected, maintained, or disseminated by the Department
14 of State Police, the prosecuting attorney may ask the court
15 to order a law enforcement agency to fingerprint
16 immediately all persons appearing before the court who have
17 not previously been fingerprinted for the same case. The
18 court may so order the requested fingerprinting, if it
19 determines that any so sentenced person has not previously
20 been fingerprinted for the same case. The law enforcement
21 agency may retain such fingerprints in its files.

22 (e) Corrections Information. The Illinois Department of
23 Corrections and the sheriff of each county shall furnish the
24 Department with all information concerning the receipt,
25 escape, execution, death, release, pardon, parole, commutation
26 of sentence, granting of executive clemency or discharge of an

1 individual who has been sentenced or committed to the agency's
2 custody for any offenses which are mandated by statute to be
3 collected, maintained or disseminated by the Department of
4 State Police. For an individual who has been charged with any
5 such offense and who escapes from custody or dies while in
6 custody, all information concerning the receipt and escape or
7 death, whichever is appropriate, shall also be so furnished to
8 the Department.

9 (Source: P.A. 94-556, eff. 9-11-05.)

10 (20 ILCS 2630/5.2)

11 Sec. 5.2. Expungement and sealing.

12 (a) General Provisions.

13 (1) Definitions. In this Act, words and phrases have
14 the meanings set forth in this subsection, except when a
15 particular context clearly requires a different meaning.

16 (A) The following terms shall have the meanings
17 ascribed to them in the Unified Code of Corrections,
18 730 ILCS 5/5-1-2 through 5/5-1-22:

19 (i) Business Offense (730 ILCS 5/5-1-2),

20 (ii) Charge (730 ILCS 5/5-1-3),

21 (iii) Court (730 ILCS 5/5-1-6),

22 (iv) Defendant (730 ILCS 5/5-1-7),

23 (v) Felony (730 ILCS 5/5-1-9),

24 (vi) Imprisonment (730 ILCS 5/5-1-10),

25 (vii) Judgment (730 ILCS 5/5-1-12),

1 (viii) Misdemeanor (730 ILCS 5/5-1-14),
2 (ix) Offense (730 ILCS 5/5-1-15),
3 (x) Parole (730 ILCS 5/5-1-16),
4 (xi) Petty Offense (730 ILCS 5/5-1-17),
5 (xii) Probation (730 ILCS 5/5-1-18),
6 (xiii) Sentence (730 ILCS 5/5-1-19),
7 (xiv) Supervision (730 ILCS 5/5-1-21), and
8 (xv) Victim (730 ILCS 5/5-1-22).

9 (B) As used in this Section, "charge not initiated
10 by arrest" means a charge (as defined by 730 ILCS
11 5/5-1-3) brought against a defendant where the
12 defendant is not arrested prior to or as a direct
13 result of the charge.

14 (C) "Conviction" means a judgment of conviction or
15 sentence entered upon a plea of guilty or upon a
16 verdict or finding of guilty of an offense, rendered by
17 a legally constituted jury or by a court of competent
18 jurisdiction authorized to try the case without a jury.
19 An order of supervision successfully completed by the
20 petitioner is not a conviction. An order of qualified
21 probation (as defined in subsection (a)(1)(J))
22 successfully completed by the petitioner is not a
23 conviction. An order of supervision or an order of
24 qualified probation that is terminated
25 unsatisfactorily is a conviction, unless the
26 unsatisfactory termination is reversed, vacated, or

1 modified and the judgment of conviction, if any, is
2 reversed or vacated.

3 (D) "Criminal offense" means a petty offense,
4 business offense, misdemeanor, felony, or municipal
5 ordinance violation (as defined in subsection
6 (a)(1)(H)). As used in this Section, a minor traffic
7 offense (as defined in subsection (a)(1)(G)) shall not
8 be considered a criminal offense.

9 (E) "Expunge" means to physically destroy the
10 records or return them to the petitioner and to
11 obliterate the petitioner's name from any official
12 index or public record, or both. Nothing in this Act
13 shall require the physical destruction of the circuit
14 court file, but such records relating to arrests or
15 charges, or both, ordered expunged shall be impounded
16 as required by subsections (d)(9)(A)(ii) and
17 (d)(9)(B)(ii).

18 (F) As used in this Section, "last sentence" means
19 the sentence, order of supervision, or order of
20 qualified probation (as defined by subsection
21 (a)(1)(J)), for a criminal offense (as defined by
22 subsection (a)(1)(D)) that terminates last in time in
23 any jurisdiction, regardless of whether the petitioner
24 has included the criminal offense for which the
25 sentence or order of supervision or qualified
26 probation was imposed in his or her petition. If

1 multiple sentences, orders of supervision, or orders
2 of qualified probation terminate on the same day and
3 are last in time, they shall be collectively considered
4 the "last sentence" regardless of whether they were
5 ordered to run concurrently.

6 (G) "Minor traffic offense" means a petty offense,
7 business offense, or Class C misdemeanor under the
8 Illinois Vehicle Code or a similar provision of a
9 municipal or local ordinance.

10 (H) "Municipal ordinance violation" means an
11 offense defined by a municipal or local ordinance that
12 is criminal in nature and with which the petitioner was
13 charged or for which the petitioner was arrested and
14 released without charging.

15 (I) "Petitioner" means an adult or a minor
16 prosecuted as an adult who has applied for relief under
17 this Section.

18 (J) "Qualified probation" means an order of
19 probation under Section 10 of the Cannabis Control Act,
20 Section 410 of the Illinois Controlled Substances Act,
21 Section 70 of the Methamphetamine Control and
22 Community Protection Act, Section 12-4.3(b)(1) and (2)
23 of the Criminal Code of 1961 (as those provisions
24 existed before their deletion by Public Act 89-313),
25 Section 10-102 of the Illinois Alcoholism and Other
26 Drug Dependency Act, Section 40-10 of the Alcoholism

1 and Other Drug Abuse and Dependency Act, or Section 10
2 of the Steroid Control Act. For the purpose of this
3 Section, "successful completion" of an order of
4 qualified probation under Section 10-102 of the
5 Illinois Alcoholism and Other Drug Dependency Act and
6 Section 40-10 of the Alcoholism and Other Drug Abuse
7 and Dependency Act means that the probation was
8 terminated satisfactorily and the judgment of
9 conviction was vacated.

10 (K) "Seal" means to physically and electronically
11 maintain the records, unless the records would
12 otherwise be destroyed due to age, but to make the
13 records unavailable without a court order, subject to
14 the exceptions in Sections 12 and 13 of this Act. The
15 petitioner's name shall also be obliterated from the
16 official index required to be kept by the circuit court
17 clerk under Section 16 of the Clerks of Courts Act, but
18 any index issued by the circuit court clerk before the
19 entry of the order to seal shall not be affected.

20 (L) "Sexual offense committed against a minor"
21 includes but is not limited to the offenses of indecent
22 solicitation of a child or criminal sexual abuse when
23 the victim of such offense is under 18 years of age.

24 (M) "Terminate" as it relates to a sentence or
25 order of supervision or qualified probation includes
26 either satisfactory or unsatisfactory termination of

1 the sentence, unless otherwise specified in this
2 Section.

3 (2) Minor Traffic Offenses. Orders of supervision or
4 convictions for minor traffic offenses shall not affect a
5 petitioner's eligibility to expunge or seal records
6 pursuant to this Section.

7 (3) Exclusions. Except as otherwise provided in
8 subsections (b) (5), (b) (6), and (e) of this Section, the
9 court shall not order:

10 (A) the sealing or expungement of the records of
11 arrests or charges not initiated by arrest that result
12 in an order of supervision for or conviction of: (i)
13 any sexual offense committed against a minor; (ii)
14 Section 11-501 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance; or (iii)
16 Section 11-503 of the Illinois Vehicle Code or a
17 similar provision of a local ordinance.

18 (B) the sealing or expungement of records of minor
19 traffic offenses (as defined in subsection (a) (1) (G)),
20 unless the petitioner was arrested and released
21 without charging.

22 (C) the sealing of the records of arrests or
23 charges not initiated by arrest which result in an
24 order of supervision, an order of qualified probation
25 (as defined in subsection (a) (1) (J)), or a conviction
26 for the following offenses:

1 (i) offenses included in Article 11 of the
2 Criminal Code of 1961 or a similar provision of a
3 local ordinance, except Section 11-14 of the
4 Criminal Code of 1961 or a similar provision of a
5 local ordinance;

6 (ii) Section 12-3.4, 12-15, 12-30, or 26-5 of
7 the Criminal Code of 1961 or a similar provision of
8 a local ordinance;

9 (iii) offenses defined as "crimes of violence"
10 in Section 2 of the Crime Victims Compensation Act
11 or a similar provision of a local ordinance;

12 (iv) offenses which are Class A misdemeanors
13 under the Humane Care for Animals Act; or

14 (v) any offense or attempted offense that
15 would subject a person to registration under the
16 Sex Offender Registration Act.

17 (D) the sealing of the records of an arrest which
18 results in the petitioner being charged with a felony
19 offense or records of a charge not initiated by arrest
20 for a felony offense, regardless of the disposition,
21 unless:

22 (i) the charge is amended to a misdemeanor and
23 is otherwise eligible to be sealed pursuant to
24 subsection (c);

25 (ii) the charge results in first offender
26 probation as set forth in subsection (c) (2) (E); or

1 (iii) the charge is for a Class 4 felony
2 offense listed in subsection (c)(2)(F) or the
3 charge is amended to a Class 4 felony offense
4 listed in subsection (c)(2)(F). Records of arrests
5 which result in the petitioner being charged with a
6 Class 4 felony offense listed in subsection
7 (c)(2)(F), records of charges not initiated by
8 arrest for Class 4 felony offenses listed in
9 subsection (c)(2)(F), and records of charges
10 amended to a Class 4 felony offense listed in
11 (c)(2)(F) may be sealed, regardless of the
12 disposition, subject to any waiting periods set
13 forth in subsection (c)(3).

14 (b) Expungement.

15 (1) A petitioner may petition the circuit court to
16 expunge the records of his or her arrests and charges not
17 initiated by arrest when:

18 (A) He or she has never been convicted of a
19 criminal offense; and

20 (B) Each arrest or charge not initiated by arrest
21 sought to be expunged resulted in: (i) acquittal,
22 dismissal, or the petitioner's release without
23 charging, unless excluded by subsection (a)(3)(B);
24 (ii) a conviction which was vacated or reversed, unless
25 excluded by subsection (a)(3)(B); (iii) an order of
26 supervision and such supervision was successfully

1 completed by the petitioner, unless excluded by
2 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of
3 qualified probation (as defined in subsection
4 (a) (1) (J)) and such probation was successfully
5 completed by the petitioner.

6 (2) Time frame for filing a petition to expunge.

7 (A) When the arrest or charge not initiated by
8 arrest sought to be expunged resulted in an acquittal,
9 dismissal, the petitioner's release without charging,
10 or the reversal or vacation of a conviction, there is
11 no waiting period to petition for the expungement of
12 such records.

13 (B) When the arrest or charge not initiated by
14 arrest sought to be expunged resulted in an order of
15 supervision, successfully completed by the petitioner,
16 the following time frames will apply:

17 (i) Those arrests or charges that resulted in
18 orders of supervision under Section 3-707, 3-708,
19 3-710, or 5-401.3 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance, or under
21 Section 12-3.2, 12-15 or 16A-3 of the Criminal Code
22 of 1961, shall not be eligible for expungement
23 until 5 years have passed following the
24 satisfactory termination of the supervision.

25 (ii) Those arrests or charges that resulted in
26 orders of supervision for any other offenses shall

1 not be eligible for expungement until 2 years have
2 passed following the satisfactory termination of
3 the supervision.

4 (C) When the arrest or charge not initiated by
5 arrest sought to be expunged resulted in an order of
6 qualified probation, successfully completed by the
7 petitioner, such records shall not be eligible for
8 expungement until 5 years have passed following the
9 satisfactory termination of the probation.

10 (3) Those records maintained by the Department for
11 persons arrested prior to their 17th birthday shall be
12 expunged as provided in Section 5-915 of the Juvenile Court
13 Act of 1987.

14 (4) Whenever a person has been arrested for or
15 convicted of any offense, in the name of a person whose
16 identity he or she has stolen or otherwise come into
17 possession of, the aggrieved person from whom the identity
18 was stolen or otherwise obtained without authorization,
19 upon learning of the person having been arrested using his
20 or her identity, may, upon verified petition to the chief
21 judge of the circuit wherein the arrest was made, have a
22 court order entered nunc pro tunc by the Chief Judge to
23 correct the arrest record, conviction record, if any, and
24 all official records of the arresting authority, the
25 Department, other criminal justice agencies, the
26 prosecutor, and the trial court concerning such arrest, if

1 any, by removing his or her name from all such records in
2 connection with the arrest and conviction, if any, and by
3 inserting in the records the name of the offender, if known
4 or ascertainable, in lieu of the aggrieved's name. The
5 records of the circuit court clerk shall be sealed until
6 further order of the court upon good cause shown and the
7 name of the aggrieved person obliterated on the official
8 index required to be kept by the circuit court clerk under
9 Section 16 of the Clerks of Courts Act, but the order shall
10 not affect any index issued by the circuit court clerk
11 before the entry of the order. Nothing in this Section
12 shall limit the Department of State Police or other
13 criminal justice agencies or prosecutors from listing
14 under an offender's name the false names he or she has
15 used.

16 (5) Whenever a person has been convicted of criminal
17 sexual assault, aggravated criminal sexual assault,
18 predatory criminal sexual assault of a child, criminal
19 sexual abuse, or aggravated criminal sexual abuse, the
20 victim of that offense may request that the State's
21 Attorney of the county in which the conviction occurred
22 file a verified petition with the presiding trial judge at
23 the petitioner's trial to have a court order entered to
24 seal the records of the circuit court clerk in connection
25 with the proceedings of the trial court concerning that
26 offense. However, the records of the arresting authority

1 and the Department of State Police concerning the offense
2 shall not be sealed. The court, upon good cause shown,
3 shall make the records of the circuit court clerk in
4 connection with the proceedings of the trial court
5 concerning the offense available for public inspection.

6 (6) If a conviction has been set aside on direct review
7 or on collateral attack and the court determines by clear
8 and convincing evidence that the petitioner was factually
9 innocent of the charge, the court shall enter an
10 expungement order as provided in subsection (b) of Section
11 5-5-4 of the Unified Code of Corrections.

12 (7) Nothing in this Section shall prevent the
13 Department of State Police from maintaining all records of
14 any person who is admitted to probation upon terms and
15 conditions and who fulfills those terms and conditions
16 pursuant to Section 10 of the Cannabis Control Act, Section
17 410 of the Illinois Controlled Substances Act, Section 70
18 of the Methamphetamine Control and Community Protection
19 Act, Section 12-4.3 or subdivision (b)(1) of Section
20 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
21 Illinois Alcoholism and Other Drug Dependency Act, Section
22 40-10 of the Alcoholism and Other Drug Abuse and Dependency
23 Act, or Section 10 of the Steroid Control Act.

24 (c) Sealing.

25 (1) Applicability. Notwithstanding any other provision
26 of this Act to the contrary, and cumulative with any rights

1 to expungement of criminal records, this subsection
2 authorizes the sealing of criminal records of adults and of
3 minors prosecuted as adults.

4 (2) Eligible Records. The following records may be
5 sealed:

6 (A) All arrests resulting in release without
7 charging;

8 (B) Arrests or charges not initiated by arrest
9 resulting in acquittal, dismissal, or conviction when
10 the conviction was reversed or vacated, except as
11 excluded by subsection (a) (3) (B) or (a) (3) (D);

12 (C) Arrests or charges not initiated by arrest
13 resulting in orders of supervision successfully
14 completed by the petitioner, unless excluded by
15 subsection (a) (3);

16 (D) Arrests or charges not initiated by arrest
17 resulting in convictions unless excluded by subsection
18 (a) (3);

19 (E) Arrests or charges not initiated by arrest
20 resulting in orders of first offender probation under
21 Section 10 of the Cannabis Control Act, Section 410 of
22 the Illinois Controlled Substances Act, or Section 70
23 of the Methamphetamine Control and Community
24 Protection Act; and

25 (F) Arrests or charges not initiated by arrest
26 resulting in Class 4 felony convictions for the

1 following offenses:

2 (i) Section 11-14 of the Criminal Code of 1961;

3 (ii) Section 4 of the Cannabis Control Act;

4 (iii) Section 402 of the Illinois Controlled
5 Substances Act;

6 (iv) the Methamphetamine Precursor Control
7 Act; and

8 (v) the Steroid Control Act.

9 (3) When Records Are Eligible to Be Sealed. Records
10 identified as eligible under subsection (c)(2) may be
11 sealed as follows:

12 (A) Records identified as eligible under
13 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
14 time.

15 (B) Records identified as eligible under
16 subsection (c)(2)(C) may be sealed (i) 3 years after
17 the termination of petitioner's last sentence (as
18 defined in subsection (a)(1)(F)) if the petitioner has
19 never been convicted of a criminal offense (as defined
20 in subsection (a)(1)(D)); or (ii) 4 years after the
21 termination of the petitioner's last sentence (as
22 defined in subsection (a)(1)(F)) if the petitioner has
23 ever been convicted of a criminal offense (as defined
24 in subsection (a)(1)(D)).

25 (C) Records identified as eligible under
26 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be

1 sealed 4 years after the termination of the
2 petitioner's last sentence (as defined in subsection
3 (a) (1) (F)).

4 (4) Subsequent felony convictions. A person may not
5 have subsequent felony conviction records sealed as
6 provided in this subsection (c) if he or she is convicted
7 of any felony offense after the date of the sealing of
8 prior felony convictions as provided in this subsection
9 (c). The court may, upon conviction for a subsequent felony
10 offense, order the unsealing of prior felony conviction
11 records previously ordered sealed by the court.

12 (5) Notice of eligibility for sealing. Upon entry of a
13 disposition for an eligible record under this subsection
14 (c), the petitioner shall be informed by the court of the
15 right to have the records sealed and the procedures for the
16 sealing of the records.

17 (d) Procedure. The following procedures apply to
18 expungement under subsections (b) and (e), and sealing under
19 subsection (c):

20 (1) Filing the petition. Upon becoming eligible to
21 petition for the expungement or sealing of records under
22 this Section, the petitioner shall file a petition
23 requesting the expungement or sealing of records with the
24 clerk of the court where the arrests occurred or the
25 charges were brought, or both. If arrests occurred or
26 charges were brought in multiple jurisdictions, a petition

1 must be filed in each such jurisdiction. The petitioner
2 shall pay the applicable fee, if not waived.

3 (2) Contents of petition. The petition shall be
4 verified and shall contain the petitioner's name, date of
5 birth, current address and, for each arrest or charge not
6 initiated by arrest sought to be sealed or expunged, the
7 case number, the date of arrest (if any), the identity of
8 the arresting authority, and such other information as the
9 court may require. During the pendency of the proceeding,
10 the petitioner shall promptly notify the circuit court
11 clerk of any change of his or her address.

12 (3) Drug test. The petitioner must attach to the
13 petition proof that the petitioner has passed a test taken
14 within 30 days before the filing of the petition showing
15 the absence within his or her body of all illegal
16 substances as defined by the Illinois Controlled
17 Substances Act, the Methamphetamine Control and Community
18 Protection Act, and the Cannabis Control Act if he or she
19 is petitioning to seal felony records pursuant to clause
20 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
21 petitioning to expunge felony records of a qualified
22 probation pursuant to clause (b) (1) (B) (iv).

23 (4) Service of petition. The circuit court clerk shall
24 promptly serve a copy of the petition on the State's
25 Attorney or prosecutor charged with the duty of prosecuting
26 the offense, the Department of State Police, the arresting

1 agency and the chief legal officer of the unit of local
2 government effecting the arrest.

3 (5) Objections.

4 (A) Any party entitled to notice of the petition
5 may file an objection to the petition. All objections
6 shall be in writing, shall be filed with the circuit
7 court clerk, and shall state with specificity the basis
8 of the objection.

9 (B) Objections to a petition to expunge or seal
10 must be filed within 60 days of the date of service of
11 the petition.

12 (6) Entry of order.

13 (A) The Chief Judge of the circuit wherein the
14 charge was brought, any judge of that circuit
15 designated by the Chief Judge, or in counties of less
16 than 3,000,000 inhabitants, the presiding trial judge
17 at the petitioner's trial, if any, shall rule on the
18 petition to expunge or seal as set forth in this
19 subsection (d) (6).

20 (B) Unless the State's Attorney or prosecutor, the
21 Department of State Police, the arresting agency, or
22 the chief legal officer files an objection to the
23 petition to expunge or seal within 60 days from the
24 date of service of the petition, the court shall enter
25 an order granting or denying the petition.

26 (7) Hearings. If an objection is filed, the court shall

1 set a date for a hearing and notify the petitioner and all
2 parties entitled to notice of the petition of the hearing
3 date at least 30 days prior to the hearing, and shall hear
4 evidence on whether the petition should or should not be
5 granted, and shall grant or deny the petition to expunge or
6 seal the records based on the evidence presented at the
7 hearing.

8 (8) Service of order. After entering an order to
9 expunge or seal records, the court must provide copies of
10 the order to the Department, in a form and manner
11 prescribed by the Department, to the petitioner, to the
12 State's Attorney or prosecutor charged with the duty of
13 prosecuting the offense, to the arresting agency, to the
14 chief legal officer of the unit of local government
15 effecting the arrest, and to such other criminal justice
16 agencies as may be ordered by the court.

17 (9) Effect of order.

18 (A) Upon entry of an order to expunge records
19 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

20 (i) the records shall be expunged (as defined
21 in subsection (a) (1) (E)) by the arresting agency,
22 the Department, and any other agency as ordered by
23 the court, within 60 days of the date of service of
24 the order, unless a motion to vacate, modify, or
25 reconsider the order is filed pursuant to
26 paragraph (12) of subsection (d) of this Section;

1 (ii) the records of the circuit court clerk
2 shall be impounded until further order of the court
3 upon good cause shown and the name of the
4 petitioner obliterated on the official index
5 required to be kept by the circuit court clerk
6 under Section 16 of the Clerks of Courts Act, but
7 the order shall not affect any index issued by the
8 circuit court clerk before the entry of the order;
9 and

10 (iii) in response to an inquiry for expunged
11 records, the court, the Department, or the agency
12 receiving such inquiry, shall reply as it does in
13 response to inquiries when no records ever
14 existed.

15 (B) Upon entry of an order to expunge records
16 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

17 (i) the records shall be expunged (as defined
18 in subsection (a) (1) (E)) by the arresting agency
19 and any other agency as ordered by the court,
20 within 60 days of the date of service of the order,
21 unless a motion to vacate, modify, or reconsider
22 the order is filed pursuant to paragraph (12) of
23 subsection (d) of this Section;

24 (ii) the records of the circuit court clerk
25 shall be impounded until further order of the court
26 upon good cause shown and the name of the

1 petitioner obliterated on the official index
2 required to be kept by the circuit court clerk
3 under Section 16 of the Clerks of Courts Act, but
4 the order shall not affect any index issued by the
5 circuit court clerk before the entry of the order;

6 (iii) the records shall be impounded by the
7 Department within 60 days of the date of service of
8 the order as ordered by the court, unless a motion
9 to vacate, modify, or reconsider the order is filed
10 pursuant to paragraph (12) of subsection (d) of
11 this Section;

12 (iv) records impounded by the Department may
13 be disseminated by the Department only to the
14 arresting authority, the State's Attorney, and the
15 court upon a later arrest for the same or a similar
16 offense or for the purpose of sentencing for any
17 subsequent felony, and to the Department of
18 Corrections upon conviction for any offense; and

19 (v) in response to an inquiry for such records
20 from anyone not authorized by law to access such
21 records the court, the Department, or the agency
22 receiving such inquiry shall reply as it does in
23 response to inquiries when no records ever
24 existed.

25 (C) Upon entry of an order to seal records under
26 subsection (c), the arresting agency, any other agency

1 as ordered by the court, the Department, and the court
2 shall seal the records (as defined in subsection
3 (a)(1)(K)). In response to an inquiry for such records
4 from anyone not authorized by law to access such
5 records the court, the Department, or the agency
6 receiving such inquiry shall reply as it does in
7 response to inquiries when no records ever existed.

8 (10) Fees. The Department may charge the petitioner a
9 fee equivalent to the cost of processing any order to
10 expunge or seal records. Notwithstanding any provision of
11 the Clerks of Courts Act to the contrary, the circuit court
12 clerk may charge a fee equivalent to the cost associated
13 with the sealing or expungement of records by the circuit
14 court clerk. From the total filing fee collected for the
15 petition to seal or expunge, the circuit court clerk shall
16 deposit \$10 into the Circuit Court Clerk Operation and
17 Administrative Fund, to be used to offset the costs
18 incurred by the circuit court clerk in performing the
19 additional duties required to serve the petition to seal or
20 expunge on all parties. The circuit court clerk shall
21 collect and forward the Department of State Police portion
22 of the fee to the Department and it shall be deposited in
23 the State Police Services Fund.

24 (11) Final Order. No court order issued under the
25 expungement or sealing provisions of this Section shall
26 become final for purposes of appeal until 30 days after

1 service of the order on the petitioner and all parties
2 entitled to notice of the petition.

3 (12) Motion to Vacate, Modify, or Reconsider. The
4 petitioner or any party entitled to notice may file a
5 motion to vacate, modify, or reconsider the order granting
6 or denying the petition to expunge or seal within 60 days
7 of service of the order.

8 (e) Whenever a person who has been convicted of an offense
9 is granted a pardon by the Governor which specifically
10 authorizes expungement, he or she may, upon verified petition
11 to the Chief Judge of the circuit where the person had been
12 convicted, any judge of the circuit designated by the Chief
13 Judge, or in counties of less than 3,000,000 inhabitants, the
14 presiding trial judge at the defendant's trial, have a court
15 order entered expunging the record of arrest from the official
16 records of the arresting authority and order that the records
17 of the circuit court clerk and the Department be sealed until
18 further order of the court upon good cause shown or as
19 otherwise provided herein, and the name of the defendant
20 obliterated from the official index requested to be kept by the
21 circuit court clerk under Section 16 of the Clerks of Courts
22 Act in connection with the arrest and conviction for the
23 offense for which he or she had been pardoned but the order
24 shall not affect any index issued by the circuit court clerk
25 before the entry of the order. All records sealed by the
26 Department may be disseminated by the Department only as

1 required by law or to the arresting authority, the State's
2 Attorney, and the court upon a later arrest for the same or
3 similar offense or for the purpose of sentencing for any
4 subsequent felony. Upon conviction for any subsequent offense,
5 the Department of Corrections shall have access to all sealed
6 records of the Department pertaining to that individual. Upon
7 entry of the order of expungement, the circuit court clerk
8 shall promptly mail a copy of the order to the person who was
9 pardoned.

10 (f) Subject to available funding, the Illinois Department
11 of Corrections shall conduct a study of the impact of sealing,
12 especially on employment and recidivism rates, utilizing a
13 random sample of those who apply for the sealing of their
14 criminal records under Public Act 93-211. At the request of the
15 Illinois Department of Corrections, records of the Illinois
16 Department of Employment Security shall be utilized as
17 appropriate to assist in the study. The study shall not
18 disclose any data in a manner that would allow the
19 identification of any particular individual or employing unit.
20 The study shall be made available to the General Assembly no
21 later than September 1, 2010.

22 (Source: P.A. 96-409, eff. 1-1-10.)

23 Section 910. The Illinois Uniform Conviction Information
24 Act is amended by changing Section 3 as follows:

1 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

2 Sec. 3. Definitions. Whenever used in this Act, and for the
3 purposes of this Act, unless the context clearly indicates
4 otherwise:

5 (A) "Accurate" means factually correct, containing no
6 mistake or error of a material nature.

7 (B) The phrase "administer the criminal laws" includes any
8 of the following activities: intelligence gathering,
9 surveillance, criminal investigation, crime detection and
10 prevention (including research), apprehension, detention,
11 pretrial or post-trial release, prosecution, the correctional
12 supervision or rehabilitation of accused persons or criminal
13 offenders, criminal identification activities, or the
14 collection, maintenance or dissemination of criminal history
15 record information.

16 (C) "The Authority" means the Illinois Criminal Justice
17 Information Authority.

18 (D) "Automated" means the utilization of computers,
19 telecommunication lines, or other automatic data processing
20 equipment for data collection or storage, analysis,
21 processing, preservation, maintenance, dissemination, or
22 display and is distinguished from a system in which such
23 activities are performed manually.

24 (E) "Complete" means accurately reflecting all the
25 criminal history record information about an individual that is
26 required to be reported to the Department pursuant to Section

1 2.1 of the Criminal Identification Act.

2 (F) "Conviction information" means data reflecting a
3 judgment of guilt or nolo contendere. The term includes all
4 prior and subsequent criminal history events directly relating
5 to such judgments, such as, but not limited to: (1) the
6 notation of arrest; (2) the notation of charges filed; (3) the
7 sentence imposed; (4) the fine imposed; and (5) all related
8 probation, parole, and release information. Information ceases
9 to be "conviction information" when a judgment of guilt is
10 reversed or vacated.

11 For purposes of this Act, continuances to a date certain in
12 furtherance of an order of supervision granted under Section
13 5-6-1 of the Unified Code of Corrections or an order of
14 probation granted under either Section 10 of the Cannabis
15 Control Act, Section 410 of the Illinois Controlled Substances
16 Act, Section 70 of the Methamphetamine Control and Community
17 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section
18 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
19 Illinois Alcoholism and Other Drug Dependency Act, Section
20 40-10 of the Alcoholism and Other Drug Abuse and Dependency
21 Act, or Section 10 of the Steroid Control Act shall not be
22 deemed "conviction information".

23 (G) "Criminal history record information" means data
24 identifiable to an individual and consisting of descriptions or
25 notations of arrests, detentions, indictments, informations,
26 pretrial proceedings, trials, or other formal events in the

1 criminal justice system or descriptions or notations of
2 criminal charges (including criminal violations of local
3 municipal ordinances) and the nature of any disposition arising
4 therefrom, including sentencing, court or correctional
5 supervision, rehabilitation and release. The term does not
6 apply to statistical records and reports in which individual
7 are not identified and from which their identities are not
8 ascertainable, or to information that is for criminal
9 investigative or intelligence purposes.

10 (H) "Criminal justice agency" means (1) a government agency
11 or any subunit thereof which is authorized to administer the
12 criminal laws and which allocates a substantial part of its
13 annual budget for that purpose, or (2) an agency supported by
14 public funds which is authorized as its principal function to
15 administer the criminal laws and which is officially designated
16 by the Department as a criminal justice agency for purposes of
17 this Act.

18 (I) "The Department" means the Illinois Department of State
19 Police.

20 (J) "Director" means the Director of the Illinois
21 Department of State Police.

22 (K) "Disseminate" means to disclose or transmit conviction
23 information in any form, oral, written, or otherwise.

24 (L) "Exigency" means pending danger or the threat of
25 pending danger to an individual or property.

26 (M) "Non-criminal justice agency" means a State agency,

1 Federal agency, or unit of local government that is not a
2 criminal justice agency. The term does not refer to private
3 individuals, corporations, or non-governmental agencies or
4 organizations.

5 (M-5) "Request" means the submission to the Department, in
6 the form and manner required, the necessary data elements or
7 fingerprints, or both, to allow the Department to initiate a
8 search of its criminal history record information files.

9 (N) "Requester" means any private individual, corporation,
10 organization, employer, employment agency, labor organization,
11 or non-criminal justice agency that has made a request pursuant
12 to this Act to obtain conviction information maintained in the
13 files of the Department of State Police regarding a particular
14 individual.

15 (O) "Statistical information" means data from which the
16 identity of an individual cannot be ascertained,
17 reconstructed, or verified and to which the identity of an
18 individual cannot be linked by the recipient of the
19 information.

20 (Source: P.A. 94-556, eff. 9-11-05.)

21 Section 915. The Counties Code is amended by changing
22 Section 5-1103 as follows:

23 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

24 Sec. 5-1103. Court services fee. A county board may enact

1 by ordinance or resolution a court services fee dedicated to
2 defraying court security expenses incurred by the sheriff in
3 providing court services or for any other court services deemed
4 necessary by the sheriff to provide for court security,
5 including without limitation court services provided pursuant
6 to Section 3-6023, as now or hereafter amended. Such fee shall
7 be paid in civil cases by each party at the time of filing the
8 first pleading, paper or other appearance; provided that no
9 additional fee shall be required if more than one party is
10 represented in a single pleading, paper or other appearance. In
11 criminal, local ordinance, county ordinance, traffic and
12 conservation cases, such fee shall be assessed against the
13 defendant upon a plea of guilty, stipulation of facts or
14 findings of guilty, resulting in a judgment of conviction, or
15 order of supervision, or sentence of probation without entry of
16 judgment pursuant to Section 10 of the Cannabis Control Act,
17 Section 410 of the Illinois Controlled Substances Act, Section
18 70 of the Methamphetamine Control and Community Protection Act,
19 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of the
20 Criminal Code of 1961, Section 10-102 of the Illinois
21 Alcoholism and Other Drug Dependency Act, Section 40-10 of the
22 Alcoholism and Other Drug Abuse and Dependency Act, or Section
23 10 of the Steroid Control Act. In setting such fee, the county
24 board may impose, with the concurrence of the Chief Judge of
25 the judicial circuit in which the county is located by
26 administrative order entered by the Chief Judge, differential

1 rates for the various types or categories of criminal and civil
2 cases, but the maximum rate shall not exceed \$25. All proceeds
3 from this fee must be used to defray court security expenses
4 incurred by the sheriff in providing court services. No fee
5 shall be imposed or collected, however, in traffic,
6 conservation, and ordinance cases in which fines are paid
7 without a court appearance. The fees shall be collected in the
8 manner in which all other court fees or costs are collected and
9 shall be deposited into the county general fund for payment
10 solely of costs incurred by the sheriff in providing court
11 security or for any other court services deemed necessary by
12 the sheriff to provide for court security.

13 (Source: P.A. 93-558, eff. 12-1-03; 94-556, eff. 9-11-05.)

14 Section 920. The Metropolitan Transit Authority Act is
15 amended by changing Section 28b as follows:

16 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

17 Sec. 28b. Any person applying for a position as a driver of
18 a vehicle owned by a private carrier company which provides
19 public transportation pursuant to an agreement with the
20 Authority shall be required to authorize an investigation by
21 the private carrier company to determine if the applicant has
22 been convicted of any of the following offenses: (i) those
23 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
24 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-14, 11-15, 11-15.1,

1 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
2 11-21, 11-22, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-7.1, 12-11,
3 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.1, 18-1, 18-2, 20-1,
4 20-1.1, 31A-1, 31A-1.1, and 33A-2, ~~and~~ in subsection (a) and
5 subsection (b), clause (1), of Section 12-4, in subdivisions
6 (a)(1), (b)(1), and (f)(1) of Section 12-3.05, and in
7 subsection (a-5) of Section 12-3.1 of the Criminal Code of
8 1961; (ii) those offenses defined in the Cannabis Control Act
9 except those offenses defined in subsections (a) and (b) of
10 Section 4, and subsection (a) of Section 5 of the Cannabis
11 Control Act (iii) those offenses defined in the Illinois
12 Controlled Substances Act; (iv) those offenses defined in the
13 Methamphetamine Control and Community Protection Act; and (v)
14 any offense committed or attempted in any other state or
15 against the laws of the United States, which if committed or
16 attempted in this State would be punishable as one or more of
17 the foregoing offenses. Upon receipt of this authorization, the
18 private carrier company shall submit the applicant's name, sex,
19 race, date of birth, fingerprints and social security number to
20 the Department of State Police on forms prescribed by the
21 Department. The Department of State Police shall conduct an
22 investigation to ascertain if the applicant has been convicted
23 of any of the above enumerated offenses. The Department shall
24 charge the private carrier company a fee for conducting the
25 investigation, which fee shall be deposited in the State Police
26 Services Fund and shall not exceed the cost of the inquiry; and

1 the applicant shall not be charged a fee for such investigation
2 by the private carrier company. The Department of State Police
3 shall furnish, pursuant to positive identification, records of
4 convictions, until expunged, to the private carrier company
5 which requested the investigation. A copy of the record of
6 convictions obtained from the Department shall be provided to
7 the applicant. Any record of conviction received by the private
8 carrier company shall be confidential. Any person who releases
9 any confidential information concerning any criminal
10 convictions of an applicant shall be guilty of a Class A
11 misdemeanor, unless authorized by this Section.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 Section 925. The Child Care Act of 1969 is amended by
14 changing Section 4.2 as follows:

15 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

16 Sec. 4.2. (a) No applicant may receive a license from the
17 Department and no person may be employed by a licensed child
18 care facility who refuses to authorize an investigation as
19 required by Section 4.1.

20 (b) In addition to the other provisions of this Section, no
21 applicant may receive a license from the Department and no
22 person may be employed by a child care facility licensed by the
23 Department who has been declared a sexually dangerous person
24 under "An Act in relation to sexually dangerous persons, and

1 providing for their commitment, detention and supervision",
2 approved July 6, 1938, as amended, or convicted of committing
3 or attempting to commit any of the following offenses
4 stipulated under the Criminal Code of 1961:

5 (1) murder;

6 (1.1) solicitation of murder;

7 (1.2) solicitation of murder for hire;

8 (1.3) intentional homicide of an unborn child;

9 (1.4) voluntary manslaughter of an unborn child;

10 (1.5) involuntary manslaughter;

11 (1.6) reckless homicide;

12 (1.7) concealment of a homicidal death;

13 (1.8) involuntary manslaughter of an unborn child;

14 (1.9) reckless homicide of an unborn child;

15 (1.10) drug-induced homicide;

16 (2) a sex offense under Article 11, except offenses
17 described in Sections 11-7, 11-8, 11-12, and 11-13;

18 (3) kidnapping;

19 (3.1) aggravated unlawful restraint;

20 (3.2) forcible detention;

21 (3.3) harboring a runaway;

22 (3.4) aiding and abetting child abduction;

23 (4) aggravated kidnapping;

24 (5) child abduction;

25 (6) aggravated battery of a child as described in
26 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

- 1 (7) criminal sexual assault;
- 2 (8) aggravated criminal sexual assault;
- 3 (8.1) predatory criminal sexual assault of a child;
- 4 (9) criminal sexual abuse;
- 5 (10) aggravated sexual abuse;
- 6 (11) heinous battery as described in Section 12-4.1 or
- 7 subdivision (a) (2) of Section 12-3.05;
- 8 (12) aggravated battery with a firearm as described in
- 9 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 10 (e) (4) of Section 12-3.05;
- 11 (13) tampering with food, drugs, or cosmetics;
- 12 (14) drug induced infliction of great bodily harm as
- 13 described in Section 12-4.7 or subdivision (g) (1) of
- 14 Section 12-3.05;
- 15 (15) hate crime;
- 16 (16) stalking;
- 17 (17) aggravated stalking;
- 18 (18) threatening public officials;
- 19 (19) home invasion;
- 20 (20) vehicular invasion;
- 21 (21) criminal transmission of HIV;
- 22 (22) criminal abuse or neglect of an elderly or
- 23 disabled person as described in Section 12-21 or subsection
- 24 (b) of Section 12-4.4a;
- 25 (23) child abandonment;
- 26 (24) endangering the life or health of a child;

1 (25) ritual mutilation;

2 (26) ritualized abuse of a child;

3 (27) an offense in any other jurisdiction the elements
4 of which are similar and bear a substantial relationship to
5 any of the foregoing offenses.

6 (b-1) In addition to the other provisions of this Section,
7 beginning January 1, 2004, no new applicant and, on the date of
8 licensure renewal, no current licensee may operate or receive a
9 license from the Department to operate, no person may be
10 employed by, and no adult person may reside in a child care
11 facility licensed by the Department who has been convicted of
12 committing or attempting to commit any of the following
13 offenses or an offense in any other jurisdiction the elements
14 of which are similar and bear a substantial relationship to any
15 of the following offenses:

16 (I) BODILY HARM

17 (1) Felony aggravated assault.

18 (2) Vehicular endangerment.

19 (3) Felony domestic battery.

20 (4) Aggravated battery.

21 (5) Heinous battery.

22 (6) Aggravated battery with a firearm.

23 (7) Aggravated battery of an unborn child.

24 (8) Aggravated battery of a senior citizen.

- 1 (9) Intimidation.
- 2 (10) Compelling organization membership of persons.
- 3 (11) Abuse and criminal ~~gross~~ neglect of a long term
- 4 care facility resident.
- 5 (12) Felony violation of an order of protection.

6 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 7 (1) Felony unlawful use of weapons.
- 8 (2) Aggravated discharge of a firearm.
- 9 (3) Reckless discharge of a firearm.
- 10 (4) Unlawful use of metal piercing bullets.
- 11 (5) Unlawful sale or delivery of firearms on the
- 12 premises of any school.
- 13 (6) Disarming a police officer.
- 14 (7) Obstructing justice.
- 15 (8) Concealing or aiding a fugitive.
- 16 (9) Armed violence.
- 17 (10) Felony contributing to the criminal delinquency
- 18 of a juvenile.

19 (III) DRUG OFFENSES

- 20 (1) Possession of more than 30 grams of cannabis.
- 21 (2) Manufacture of more than 10 grams of cannabis.
- 22 (3) Cannabis trafficking.

- 1 (4) Delivery of cannabis on school grounds.
- 2 (5) Unauthorized production of more than 5 cannabis
3 sativa plants.
- 4 (6) Calculated criminal cannabis conspiracy.
- 5 (7) Unauthorized manufacture or delivery of controlled
6 substances.
- 7 (8) Controlled substance trafficking.
- 8 (9) Manufacture, distribution, or advertisement of
9 look-alike substances.
- 10 (10) Calculated criminal drug conspiracy.
- 11 (11) Street gang criminal drug conspiracy.
- 12 (12) Permitting unlawful use of a building.
- 13 (13) Delivery of controlled, counterfeit, or
14 look-alike substances to persons under age 18, or at truck
15 stops, rest stops, or safety rest areas, or on school
16 property.
- 17 (14) Using, engaging, or employing persons under 18 to
18 deliver controlled, counterfeit, or look-alike substances.
- 19 (15) Delivery of controlled substances.
- 20 (16) Sale or delivery of drug paraphernalia.
- 21 (17) Felony possession, sale, or exchange of
22 instruments adapted for use of a controlled substance,
23 methamphetamine, or cannabis by subcutaneous injection.
- 24 (18) Felony possession of a controlled substance.
- 25 (19) Any violation of the Methamphetamine Control and
26 Community Protection Act.

1 (b-2) For child care facilities other than foster family
2 homes, the Department may issue a new child care facility
3 license to or renew the existing child care facility license of
4 an applicant, a person employed by a child care facility, or an
5 applicant who has an adult residing in a home child care
6 facility who was convicted of an offense described in
7 subsection (b-1), provided that all of the following
8 requirements are met:

9 (1) The relevant criminal offense occurred more than 5
10 years prior to the date of application or renewal, except
11 for drug offenses. The relevant drug offense must have
12 occurred more than 10 years prior to the date of
13 application or renewal, unless the applicant passed a drug
14 test, arranged and paid for by the child care facility, no
15 less than 5 years after the offense.

16 (2) The Department must conduct a background check and
17 assess all convictions and recommendations of the child
18 care facility to determine if waiver shall apply in
19 accordance with Department administrative rules and
20 procedures.

21 (3) The applicant meets all other requirements and
22 qualifications to be licensed as the pertinent type of
23 child care facility under this Act and the Department's
24 administrative rules.

25 (c) In addition to the other provisions of this Section, no
26 applicant may receive a license from the Department to operate

1 a foster family home, and no adult person may reside in a
2 foster family home licensed by the Department, who has been
3 convicted of committing or attempting to commit any of the
4 following offenses stipulated under the Criminal Code of 1961,
5 the Cannabis Control Act, the Methamphetamine Control and
6 Community Protection Act, and the Illinois Controlled
7 Substances Act:

8 (I) OFFENSES DIRECTED AGAINST THE PERSON

9 (A) KIDNAPPING AND RELATED OFFENSES

10 (1) Unlawful restraint.

11 (B) BODILY HARM

12 (2) Felony aggravated assault.

13 (3) Vehicular endangerment.

14 (4) Felony domestic battery.

15 (5) Aggravated battery.

16 (6) Heinous battery.

17 (7) Aggravated battery with a firearm.

18 (8) Aggravated battery of an unborn child.

19 (9) Aggravated battery of a senior citizen.

20 (10) Intimidation.

21 (11) Compelling organization membership of persons.

22 (12) Abuse and criminal ~~gross~~ neglect of a long term
23 care facility resident.

1 (13) Felony violation of an order of protection.

2 (II) OFFENSES DIRECTED AGAINST PROPERTY

3 (14) Felony theft.

4 (15) Robbery.

5 (16) Armed robbery.

6 (17) Aggravated robbery.

7 (18) Vehicular hijacking.

8 (19) Aggravated vehicular hijacking.

9 (20) Burglary.

10 (21) Possession of burglary tools.

11 (22) Residential burglary.

12 (23) Criminal fortification of a residence or
13 building.

14 (24) Arson.

15 (25) Aggravated arson.

16 (26) Possession of explosive or explosive incendiary
17 devices.

18 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

19 (27) Felony unlawful use of weapons.

20 (28) Aggravated discharge of a firearm.

21 (29) Reckless discharge of a firearm.

22 (30) Unlawful use of metal piercing bullets.

1 (48) Delivery of controlled, counterfeit, or
2 look-alike substances to persons under age 18, or at truck
3 stops, rest stops, or safety rest areas, or on school
4 property.

5 (49) Using, engaging, or employing persons under 18 to
6 deliver controlled, counterfeit, or look-alike substances.

7 (50) Delivery of controlled substances.

8 (51) Sale or delivery of drug paraphernalia.

9 (52) Felony possession, sale, or exchange of
10 instruments adapted for use of a controlled substance,
11 methamphetamine, or cannabis by subcutaneous injection.

12 (53) Any violation of the Methamphetamine Control and
13 Community Protection Act.

14 (d) Notwithstanding subsection (c), the Department may
15 issue a new foster family home license or may renew an existing
16 foster family home license of an applicant who was convicted of
17 an offense described in subsection (c), provided all of the
18 following requirements are met:

19 (1) The relevant criminal offense or offenses occurred
20 more than 10 years prior to the date of application or
21 renewal.

22 (2) The applicant had previously disclosed the
23 conviction or convictions to the Department for purposes of
24 a background check.

25 (3) After the disclosure, the Department either placed
26 a child in the home or the foster family home license was

1 issued.

2 (4) During the background check, the Department had
3 assessed and waived the conviction in compliance with the
4 existing statutes and rules in effect at the time of the
5 waiver.

6 (5) The applicant meets all other requirements and
7 qualifications to be licensed as a foster family home under
8 this Act and the Department's administrative rules.

9 (6) The applicant has a history of providing a safe,
10 stable home environment and appears able to continue to
11 provide a safe, stable home environment.

12 (Source: P.A. 93-151, eff. 7-10-03; 94-556, eff. 9-11-05.)

13 Section 930. The Health Care Worker Background Check Act is
14 amended by changing Section 25 as follows:

15 (225 ILCS 46/25)

16 Sec. 25. Persons ineligible to be hired by health care
17 employers and long-term care facilities.

18 (a) In the discretion of the Director of Public Health, as
19 soon after January 1, 1996, January 1, 1997, January 1, 2006,
20 or October 1, 2007, as applicable, and as is reasonably
21 practical, no health care employer shall knowingly hire,
22 employ, or retain any individual in a position with duties
23 involving direct care for clients, patients, or residents, and
24 no long-term care facility shall knowingly hire, employ, or

1 retain any individual in a position with duties that involve or
2 may involve contact with residents or access to the living
3 quarters or the financial, medical, or personal records of
4 residents, who has been convicted of committing or attempting
5 to commit one or more of the following offenses: those defined
6 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
7 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
8 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,
9 12-3.05, ~~12-3,~~ 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
10 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
11 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
12 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5,
13 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2,
14 or in subsection (a) of Section 12-3 or subsection (a) or (b)
15 of Section 12-4.4a, of the Criminal Code of 1961; those
16 provided in Section 4 of the Wrongs to Children Act; those
17 provided in Section 53 of the Criminal Jurisprudence Act; those
18 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control
19 Act; those defined in the Methamphetamine Control and Community
20 Protection Act; or those defined in Sections 401, 401.1, 404,
21 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances
22 Act, unless the applicant or employee obtains a waiver pursuant
23 to Section 40.

24 (a-1) In the discretion of the Director of Public Health,
25 as soon after January 1, 2004 or October 1, 2007, as
26 applicable, and as is reasonably practical, no health care

1 employer shall knowingly hire any individual in a position with
2 duties involving direct care for clients, patients, or
3 residents, and no long-term care facility shall knowingly hire
4 any individual in a position with duties that involve or may
5 involve contact with residents or access to the living quarters
6 or the financial, medical, or personal records of residents,
7 who has (i) been convicted of committing or attempting to
8 commit one or more of the offenses defined in Section 12-3.3,
9 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,
10 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of
11 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
12 and Debit Card Act; or Section 5.1 of the Wrongs to Children
13 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
14 unless the applicant or employee obtains a waiver pursuant to
15 Section 40 of this Act.

16 A health care employer is not required to retain an
17 individual in a position with duties involving direct care for
18 clients, patients, or residents, and no long-term care facility
19 is required to retain an individual in a position with duties
20 that involve or may involve contact with residents or access to
21 the living quarters or the financial, medical, or personal
22 records of residents, who has been convicted of committing or
23 attempting to commit one or more of the offenses enumerated in
24 this subsection.

25 (b) A health care employer shall not hire, employ, or
26 retain any individual in a position with duties involving

1 direct care of clients, patients, or residents, and no
2 long-term care facility shall knowingly hire, employ, or retain
3 any individual in a position with duties that involve or may
4 involve contact with residents or access to the living quarters
5 or the financial, medical, or personal records of residents, if
6 the health care employer becomes aware that the individual has
7 been convicted in another state of committing or attempting to
8 commit an offense that has the same or similar elements as an
9 offense listed in subsection (a) or (a-1), as verified by court
10 records, records from a state agency, or an FBI criminal
11 history record check, unless the applicant or employee obtains
12 a waiver pursuant to Section 40 of this Act. This shall not be
13 construed to mean that a health care employer has an obligation
14 to conduct a criminal history records check in other states in
15 which an employee has resided.

16 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
17 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

18 Section 935. The Nursing Home Administrators Licensing and
19 Disciplinary Act is amended by changing Section 17 as follows:

20 (225 ILCS 70/17) (from Ch. 111, par. 3667)

21 (Text of Section before amendment by P.A. 96-339)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 17. Grounds for disciplinary action.

24 (a) The Department may impose fines not to exceed \$10,000

1 or may refuse to issue or to renew, or may revoke, suspend,
2 place on probation, censure, reprimand or take other
3 disciplinary or non-disciplinary action with regard to the
4 license of any person, for any one or combination of the
5 following causes:

6 (1) Intentional material misstatement in furnishing
7 information to the Department.

8 (2) Conviction of or entry of a plea of guilty or nolo
9 contendere to any crime that is a felony under the laws of
10 the United States or any state or territory thereof or a
11 misdemeanor of which an essential element is dishonesty or
12 that is directly related to the practice of the profession
13 of nursing home administration.

14 (3) Making any misrepresentation for the purpose of
15 obtaining a license, or violating any provision of this
16 Act.

17 (4) Immoral conduct in the commission of any act, such
18 as sexual abuse or sexual misconduct, related to the
19 licensee's practice.

20 (5) Failing to respond within 30 days, to a written
21 request made by the Department for information.

22 (6) Engaging in dishonorable, unethical or
23 unprofessional conduct of a character likely to deceive,
24 defraud or harm the public.

25 (7) Habitual use or addiction to alcohol, narcotics,
26 stimulants, or any other chemical agent or drug which

1 results in the inability to practice with reasonable
2 judgment, skill or safety.

3 (8) Discipline by another U.S. jurisdiction if at least
4 one of the grounds for the discipline is the same or
5 substantially equivalent to those set forth herein.

6 (9) A finding by the Department that the licensee,
7 after having his or her license placed on probationary
8 status has violated the terms of probation.

9 (10) Willfully making or filing false records or
10 reports in his or her practice, including but not limited
11 to false records filed with State agencies or departments.

12 (11) Physical illness, mental illness, or other
13 impairment or disability, including, but not limited to,
14 deterioration through the aging process, or loss of motor
15 skill that results in the inability to practice the
16 profession with reasonable judgment, skill or safety.

17 (12) Disregard or violation of this Act or of any rule
18 issued pursuant to this Act.

19 (13) Aiding or abetting another in the violation of
20 this Act or any rule or regulation issued pursuant to this
21 Act.

22 (14) Allowing one's license to be used by an unlicensed
23 person.

24 (15) (Blank).

25 (16) Professional incompetence in the practice of
26 nursing home administration.

1 (17) Conviction of a violation of Section 12-19 of the
2 Criminal Code of 1961 for the abuse and gross neglect of a
3 long term care facility resident.

4 (18) Violation of the Nursing Home Care Act or of any
5 rule issued under the Nursing Home Care Act.

6 All proceedings to suspend, revoke, place on probationary
7 status, or take any other disciplinary action as the Department
8 may deem proper, with regard to a license on any of the
9 foregoing grounds, must be commenced within 5 years next after
10 receipt by the Department of (i) a complaint alleging the
11 commission of or notice of the conviction order for any of the
12 acts described herein or (ii) a referral for investigation
13 under Section 3-108 of the Nursing Home Care Act.

14 The entry of an order or judgment by any circuit court
15 establishing that any person holding a license under this Act
16 is a person in need of mental treatment operates as a
17 suspension of that license. That person may resume their
18 practice only upon the entry of a Department order based upon a
19 finding by the Board that they have been determined to be
20 recovered from mental illness by the court and upon the Board's
21 recommendation that they be permitted to resume their practice.

22 The Department, upon the recommendation of the Board, may
23 adopt rules which set forth standards to be used in determining
24 what constitutes:

25 (i) when a person will be deemed sufficiently
26 rehabilitated to warrant the public trust;

1 (ii) dishonorable, unethical or unprofessional conduct
2 of a character likely to deceive, defraud, or harm the
3 public;

4 (iii) immoral conduct in the commission of any act
5 related to the licensee's practice; and

6 (iv) professional incompetence in the practice of
7 nursing home administration.

8 However, no such rule shall be admissible into evidence in
9 any civil action except for review of a licensing or other
10 disciplinary action under this Act.

11 In enforcing this Section, the Department or Board, upon a
12 showing of a possible violation, may compel any individual
13 licensed to practice under this Act, or who has applied for
14 licensure pursuant to this Act, to submit to a mental or
15 physical examination, or both, as required by and at the
16 expense of the Department. The examining physician or
17 physicians shall be those specifically designated by the
18 Department or Board. The Department or Board may order the
19 examining physician to present testimony concerning this
20 mental or physical examination of the licensee or applicant. No
21 information shall be excluded by reason of any common law or
22 statutory privilege relating to communications between the
23 licensee or applicant and the examining physician. The
24 individual to be examined may have, at his or her own expense,
25 another physician of his or her choice present during all
26 aspects of the examination. Failure of any individual to submit

1 to mental or physical examination, when directed, shall be
2 grounds for suspension of his or her license until such time as
3 the individual submits to the examination if the Department
4 finds, after notice and hearing, that the refusal to submit to
5 the examination was without reasonable cause.

6 If the Department or Board finds an individual unable to
7 practice because of the reasons set forth in this Section, the
8 Department or Board shall require such individual to submit to
9 care, counseling, or treatment by physicians approved or
10 designated by the Department or Board, as a condition, term, or
11 restriction for continued, reinstated, or renewed licensure to
12 practice; or in lieu of care, counseling, or treatment, the
13 Department may file, or the Board may recommend to the
14 Department to file, a complaint to immediately suspend, revoke,
15 or otherwise discipline the license of the individual. Any
16 individual whose license was granted pursuant to this Act or
17 continued, reinstated, renewed, disciplined or supervised,
18 subject to such terms, conditions or restrictions who shall
19 fail to comply with such terms, conditions or restrictions
20 shall be referred to the Secretary for a determination as to
21 whether the licensee shall have his or her license suspended
22 immediately, pending a hearing by the Department. In instances
23 in which the Secretary immediately suspends a license under
24 this Section, a hearing upon such person's license must be
25 convened by the Board within 30 days after such suspension and
26 completed without appreciable delay. The Department and Board

1 shall have the authority to review the subject administrator's
2 record of treatment and counseling regarding the impairment, to
3 the extent permitted by applicable federal statutes and
4 regulations safeguarding the confidentiality of medical
5 records.

6 An individual licensed under this Act, affected under this
7 Section, shall be afforded an opportunity to demonstrate to the
8 Department or Board that he or she can resume practice in
9 compliance with acceptable and prevailing standards under the
10 provisions of his or her license.

11 (b) Any individual or organization acting in good faith,
12 and not in a wilful and wanton manner, in complying with this
13 Act by providing any report or other information to the
14 Department, or assisting in the investigation or preparation of
15 such information, or by participating in proceedings of the
16 Department, or by serving as a member of the Board, shall not,
17 as a result of such actions, be subject to criminal prosecution
18 or civil damages.

19 (c) Members of the Board, and persons retained under
20 contract to assist and advise in an investigation, shall be
21 indemnified by the State for any actions occurring within the
22 scope of services on or for the Board, done in good faith and
23 not wilful and wanton in nature. The Attorney General shall
24 defend all such actions unless he or she determines either that
25 there would be a conflict of interest in such representation or
26 that the actions complained of were not in good faith or were

1 wilful and wanton.

2 Should the Attorney General decline representation, a
3 person entitled to indemnification under this Section shall
4 have the right to employ counsel of his or her choice, whose
5 fees shall be provided by the State, after approval by the
6 Attorney General, unless there is a determination by a court
7 that the member's actions were not in good faith or were wilful
8 and wanton.

9 A person entitled to indemnification under this Section
10 must notify the Attorney General within 7 days of receipt of
11 notice of the initiation of any action involving services of
12 the Board. Failure to so notify the Attorney General shall
13 constitute an absolute waiver of the right to a defense and
14 indemnification.

15 The Attorney General shall determine within 7 days after
16 receiving such notice, whether he or she will undertake to
17 represent a person entitled to indemnification under this
18 Section.

19 (d) The determination by a circuit court that a licensee is
20 subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code, as amended, operates as an automatic suspension. Such
23 suspension will end only upon a finding by a court that the
24 patient is no longer subject to involuntary admission or
25 judicial admission and issues an order so finding and
26 discharging the patient; and upon the recommendation of the

1 Board to the Secretary that the licensee be allowed to resume
2 his or her practice.

3 (e) The Department may refuse to issue or may suspend the
4 license of any person who fails to file a return, or to pay the
5 tax, penalty or interest shown in a filed return, or to pay any
6 final assessment of tax, penalty or interest, as required by
7 any tax Act administered by the Department of Revenue, until
8 such time as the requirements of any such tax Act are
9 satisfied.

10 (f) The Department of Public Health shall transmit to the
11 Department a list of those facilities which receive an "A"
12 violation as defined in Section 1-129 of the Nursing Home Care
13 Act.

14 (Source: P.A. 95-703, eff. 12-31-07.)

15 (Text of Section after amendment by P.A. 96-339)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 17. Grounds for disciplinary action.

18 (a) The Department may impose fines not to exceed \$10,000
19 or may refuse to issue or to renew, or may revoke, suspend,
20 place on probation, censure, reprimand or take other
21 disciplinary or non-disciplinary action with regard to the
22 license of any person, for any one or combination of the
23 following causes:

24 (1) Intentional material misstatement in furnishing
25 information to the Department.

1 (2) Conviction of or entry of a plea of guilty or nolo
2 contendere to any crime that is a felony under the laws of
3 the United States or any state or territory thereof or a
4 misdemeanor of which an essential element is dishonesty or
5 that is directly related to the practice of the profession
6 of nursing home administration.

7 (3) Making any misrepresentation for the purpose of
8 obtaining a license, or violating any provision of this
9 Act.

10 (4) Immoral conduct in the commission of any act, such
11 as sexual abuse or sexual misconduct, related to the
12 licensee's practice.

13 (5) Failing to respond within 30 days, to a written
14 request made by the Department for information.

15 (6) Engaging in dishonorable, unethical or
16 unprofessional conduct of a character likely to deceive,
17 defraud or harm the public.

18 (7) Habitual use or addiction to alcohol, narcotics,
19 stimulants, or any other chemical agent or drug which
20 results in the inability to practice with reasonable
21 judgment, skill or safety.

22 (8) Discipline by another U.S. jurisdiction if at least
23 one of the grounds for the discipline is the same or
24 substantially equivalent to those set forth herein.

25 (9) A finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status has violated the terms of probation.

2 (10) Willfully making or filing false records or
3 reports in his or her practice, including but not limited
4 to false records filed with State agencies or departments.

5 (11) Physical illness, mental illness, or other
6 impairment or disability, including, but not limited to,
7 deterioration through the aging process, or loss of motor
8 skill that results in the inability to practice the
9 profession with reasonable judgment, skill or safety.

10 (12) Disregard or violation of this Act or of any rule
11 issued pursuant to this Act.

12 (13) Aiding or abetting another in the violation of
13 this Act or any rule or regulation issued pursuant to this
14 Act.

15 (14) Allowing one's license to be used by an unlicensed
16 person.

17 (15) (Blank).

18 (16) Professional incompetence in the practice of
19 nursing home administration.

20 (17) Conviction of a violation of Section 12-19 or
21 subsection (a) of Section 12-4.4a of the Criminal Code of
22 1961 for the abuse and criminal ~~gross~~ neglect of a long
23 term care facility resident.

24 (18) Violation of the Nursing Home Care Act or the
25 MR/DD Community Care Act or of any rule issued under the
26 Nursing Home Care Act or the MR/DD Community Care Act.

1 All proceedings to suspend, revoke, place on probationary
2 status, or take any other disciplinary action as the Department
3 may deem proper, with regard to a license on any of the
4 foregoing grounds, must be commenced within 5 years next after
5 receipt by the Department of (i) a complaint alleging the
6 commission of or notice of the conviction order for any of the
7 acts described herein or (ii) a referral for investigation
8 under Section 3-108 of the Nursing Home Care Act.

9 The entry of an order or judgment by any circuit court
10 establishing that any person holding a license under this Act
11 is a person in need of mental treatment operates as a
12 suspension of that license. That person may resume their
13 practice only upon the entry of a Department order based upon a
14 finding by the Board that they have been determined to be
15 recovered from mental illness by the court and upon the Board's
16 recommendation that they be permitted to resume their practice.

17 The Department, upon the recommendation of the Board, may
18 adopt rules which set forth standards to be used in determining
19 what constitutes:

20 (i) when a person will be deemed sufficiently
21 rehabilitated to warrant the public trust;

22 (ii) dishonorable, unethical or unprofessional conduct
23 of a character likely to deceive, defraud, or harm the
24 public;

25 (iii) immoral conduct in the commission of any act
26 related to the licensee's practice; and

1 (iv) professional incompetence in the practice of
2 nursing home administration.

3 However, no such rule shall be admissible into evidence in
4 any civil action except for review of a licensing or other
5 disciplinary action under this Act.

6 In enforcing this Section, the Department or Board, upon a
7 showing of a possible violation, may compel any individual
8 licensed to practice under this Act, or who has applied for
9 licensure pursuant to this Act, to submit to a mental or
10 physical examination, or both, as required by and at the
11 expense of the Department. The examining physician or
12 physicians shall be those specifically designated by the
13 Department or Board. The Department or Board may order the
14 examining physician to present testimony concerning this
15 mental or physical examination of the licensee or applicant. No
16 information shall be excluded by reason of any common law or
17 statutory privilege relating to communications between the
18 licensee or applicant and the examining physician. The
19 individual to be examined may have, at his or her own expense,
20 another physician of his or her choice present during all
21 aspects of the examination. Failure of any individual to submit
22 to mental or physical examination, when directed, shall be
23 grounds for suspension of his or her license until such time as
24 the individual submits to the examination if the Department
25 finds, after notice and hearing, that the refusal to submit to
26 the examination was without reasonable cause.

1 If the Department or Board finds an individual unable to
2 practice because of the reasons set forth in this Section, the
3 Department or Board shall require such individual to submit to
4 care, counseling, or treatment by physicians approved or
5 designated by the Department or Board, as a condition, term, or
6 restriction for continued, reinstated, or renewed licensure to
7 practice; or in lieu of care, counseling, or treatment, the
8 Department may file, or the Board may recommend to the
9 Department to file, a complaint to immediately suspend, revoke,
10 or otherwise discipline the license of the individual. Any
11 individual whose license was granted pursuant to this Act or
12 continued, reinstated, renewed, disciplined or supervised,
13 subject to such terms, conditions or restrictions who shall
14 fail to comply with such terms, conditions or restrictions
15 shall be referred to the Secretary for a determination as to
16 whether the licensee shall have his or her license suspended
17 immediately, pending a hearing by the Department. In instances
18 in which the Secretary immediately suspends a license under
19 this Section, a hearing upon such person's license must be
20 convened by the Board within 30 days after such suspension and
21 completed without appreciable delay. The Department and Board
22 shall have the authority to review the subject administrator's
23 record of treatment and counseling regarding the impairment, to
24 the extent permitted by applicable federal statutes and
25 regulations safeguarding the confidentiality of medical
26 records.

1 An individual licensed under this Act, affected under this
2 Section, shall be afforded an opportunity to demonstrate to the
3 Department or Board that he or she can resume practice in
4 compliance with acceptable and prevailing standards under the
5 provisions of his or her license.

6 (b) Any individual or organization acting in good faith,
7 and not in a wilful and wanton manner, in complying with this
8 Act by providing any report or other information to the
9 Department, or assisting in the investigation or preparation of
10 such information, or by participating in proceedings of the
11 Department, or by serving as a member of the Board, shall not,
12 as a result of such actions, be subject to criminal prosecution
13 or civil damages.

14 (c) Members of the Board, and persons retained under
15 contract to assist and advise in an investigation, shall be
16 indemnified by the State for any actions occurring within the
17 scope of services on or for the Board, done in good faith and
18 not wilful and wanton in nature. The Attorney General shall
19 defend all such actions unless he or she determines either that
20 there would be a conflict of interest in such representation or
21 that the actions complained of were not in good faith or were
22 wilful and wanton.

23 Should the Attorney General decline representation, a
24 person entitled to indemnification under this Section shall
25 have the right to employ counsel of his or her choice, whose
26 fees shall be provided by the State, after approval by the

1 Attorney General, unless there is a determination by a court
2 that the member's actions were not in good faith or were wilful
3 and wanton.

4 A person entitled to indemnification under this Section
5 must notify the Attorney General within 7 days of receipt of
6 notice of the initiation of any action involving services of
7 the Board. Failure to so notify the Attorney General shall
8 constitute an absolute waiver of the right to a defense and
9 indemnification.

10 The Attorney General shall determine within 7 days after
11 receiving such notice, whether he or she will undertake to
12 represent a person entitled to indemnification under this
13 Section.

14 (d) The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code, as amended, operates as an automatic suspension. Such
18 suspension will end only upon a finding by a court that the
19 patient is no longer subject to involuntary admission or
20 judicial admission and issues an order so finding and
21 discharging the patient; and upon the recommendation of the
22 Board to the Secretary that the licensee be allowed to resume
23 his or her practice.

24 (e) The Department may refuse to issue or may suspend the
25 license of any person who fails to file a return, or to pay the
26 tax, penalty or interest shown in a filed return, or to pay any

1 final assessment of tax, penalty or interest, as required by
2 any tax Act administered by the Department of Revenue, until
3 such time as the requirements of any such tax Act are
4 satisfied.

5 (f) The Department of Public Health shall transmit to the
6 Department a list of those facilities which receive an "A"
7 violation as defined in Section 1-129 of the Nursing Home Care
8 Act.

9 (Source: P.A. 95-703, eff. 12-31-07; 96-339, eff. 7-1-10.)

10 Section 945. The Illinois Sexually Transmissible Disease
11 Control Act is amended by changing Section 5.5 as follows:

12 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

13 Sec. 5.5. Risk assessment.

14 (a) Whenever the Department receives a report of HIV
15 infection or AIDS pursuant to this Act and the Department
16 determines that the subject of the report may present or may
17 have presented a possible risk of HIV transmission, the
18 Department shall, when medically appropriate, investigate the
19 subject of the report and that person's contacts as defined in
20 subsection (c), to assess the potential risks of transmission.
21 Any investigation and action shall be conducted in a timely
22 fashion. All contacts other than those defined in subsection
23 (c) shall be investigated in accordance with Section 5 of this
24 Act.

1 (b) If the Department determines that there is or may have
2 been potential risks of HIV transmission from the subject of
3 the report to other persons, the Department shall afford the
4 subject the opportunity to submit any information and comment
5 on proposed actions the Department intends to take with respect
6 to the subject's contacts who are at potential risk of
7 transmission of HIV prior to notification of the subject's
8 contacts. The Department shall also afford the subject of the
9 report the opportunity to notify the subject's contacts in a
10 timely fashion who are at potential risk of transmission of HIV
11 prior to the Department taking any steps to notify such
12 contacts. If the subject declines to notify such contacts or if
13 the Department determines the notices to be inadequate or
14 incomplete, the Department shall endeavor to notify such other
15 persons of the potential risk, and offer testing and counseling
16 services to these individuals. When the contacts are notified,
17 they shall be informed of the disclosure provisions of the AIDS
18 Confidentiality Act and the penalties therein and this Section.

19 (c) Contacts investigated under this Section shall in the
20 case of HIV infection include (i) individuals who have
21 undergone invasive procedures performed by an HIV infected
22 health care provider and (ii) health care providers who have
23 performed invasive procedures for persons infected with HIV,
24 provided the Department has determined that there is or may
25 have been potential risk of HIV transmission from the health
26 care provider to those individuals or from infected persons to

1 health care providers. The Department shall have access to the
2 subject's records to review for the identity of contacts. The
3 subject's records shall not be copied or seized by the
4 Department.

5 For purposes of this subsection, the term "invasive
6 procedures" means those procedures termed invasive by the
7 Centers for Disease Control in current guidelines or
8 recommendations for the prevention of HIV transmission in
9 health care settings, and the term "health care provider" means
10 any physician, dentist, podiatrist, advanced practice nurse,
11 physician assistant, nurse, or other person providing health
12 care services of any kind.

13 (d) All information and records held by the Department and
14 local health authorities pertaining to activities conducted
15 pursuant to this Section shall be strictly confidential and
16 exempt from copying and inspection under the Freedom of
17 Information Act. Such information and records shall not be
18 released or made public by the Department or local health
19 authorities, and shall not be admissible as evidence, nor
20 discoverable in any action of any kind in any court or before
21 any tribunal, board, agency or person and shall be treated in
22 the same manner as the information and those records subject to
23 the provisions of Part 21 of the Code of Civil Procedure except
24 under the following circumstances:

25 (1) When made with the written consent of all persons
26 to whom this information pertains;

1 (2) When authorized under Section 8 to be released
2 under court order or subpoena pursuant to Section 12-5.01
3 or 12-16.2 of the Criminal Code of 1961; or

4 (3) When made by the Department for the purpose of
5 seeking a warrant authorized by Sections 6 and 7 of this
6 Act. Such disclosure shall conform to the requirements of
7 subsection (a) of Section 8 of this Act.

8 (e) Any person who knowingly or maliciously disseminates
9 any information or report concerning the existence of any
10 disease under this Section is guilty of a Class A misdemeanor.

11 (Source: P.A. 93-962, eff. 8-20-04.)

12 Section 950. The Illinois Vehicle Code is amended by
13 changing Sections 6-106.1 and 6-508 as follows:

14 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

15 Sec. 6-106.1. School bus driver permit.

16 (a) The Secretary of State shall issue a school bus driver
17 permit to those applicants who have met all the requirements of
18 the application and screening process under this Section to
19 insure the welfare and safety of children who are transported
20 on school buses throughout the State of Illinois. Applicants
21 shall obtain the proper application required by the Secretary
22 of State from their prospective or current employer and submit
23 the completed application to the prospective or current
24 employer along with the necessary fingerprint submission as

1 required by the Department of State Police to conduct
2 fingerprint based criminal background checks on current and
3 future information available in the state system and current
4 information available through the Federal Bureau of
5 Investigation's system. Applicants who have completed the
6 fingerprinting requirements shall not be subjected to the
7 fingerprinting process when applying for subsequent permits or
8 submitting proof of successful completion of the annual
9 refresher course. Individuals who on the effective date of this
10 Act possess a valid school bus driver permit that has been
11 previously issued by the appropriate Regional School
12 Superintendent are not subject to the fingerprinting
13 provisions of this Section as long as the permit remains valid
14 and does not lapse. The applicant shall be required to pay all
15 related application and fingerprinting fees as established by
16 rule including, but not limited to, the amounts established by
17 the Department of State Police and the Federal Bureau of
18 Investigation to process fingerprint based criminal background
19 investigations. All fees paid for fingerprint processing
20 services under this Section shall be deposited into the State
21 Police Services Fund for the cost incurred in processing the
22 fingerprint based criminal background investigations. All
23 other fees paid under this Section shall be deposited into the
24 Road Fund for the purpose of defraying the costs of the
25 Secretary of State in administering this Section. All
26 applicants must:

- 1 1. be 21 years of age or older;
- 2 2. possess a valid and properly classified driver's
3 license issued by the Secretary of State;
- 4 3. possess a valid driver's license, which has not been
5 revoked, suspended, or canceled for 3 years immediately
6 prior to the date of application, or have not had his or
7 her commercial motor vehicle driving privileges
8 disqualified within the 3 years immediately prior to the
9 date of application;
- 10 4. successfully pass a written test, administered by
11 the Secretary of State, on school bus operation, school bus
12 safety, and special traffic laws relating to school buses
13 and submit to a review of the applicant's driving habits by
14 the Secretary of State at the time the written test is
15 given;
- 16 5. demonstrate ability to exercise reasonable care in
17 the operation of school buses in accordance with rules
18 promulgated by the Secretary of State;
- 19 6. demonstrate physical fitness to operate school
20 buses by submitting the results of a medical examination,
21 including tests for drug use for each applicant not subject
22 to such testing pursuant to federal law, conducted by a
23 licensed physician, an advanced practice nurse who has a
24 written collaborative agreement with a collaborating
25 physician which authorizes him or her to perform medical
26 examinations, or a physician assistant who has been

1 delegated the performance of medical examinations by his or
2 her supervising physician within 90 days of the date of
3 application according to standards promulgated by the
4 Secretary of State;

5 7. affirm under penalties of perjury that he or she has
6 not made a false statement or knowingly concealed a
7 material fact in any application for permit;

8 8. have completed an initial classroom course,
9 including first aid procedures, in school bus driver safety
10 as promulgated by the Secretary of State; and after
11 satisfactory completion of said initial course an annual
12 refresher course; such courses and the agency or
13 organization conducting such courses shall be approved by
14 the Secretary of State; failure to complete the annual
15 refresher course, shall result in cancellation of the
16 permit until such course is completed;

17 9. not have been convicted of 2 or more serious traffic
18 offenses, as defined by rule, within one year prior to the
19 date of application that may endanger the life or safety of
20 any of the driver's passengers within the duration of the
21 permit period;

22 10. not have been convicted of reckless driving,
23 driving while intoxicated, or reckless homicide resulting
24 from the operation of a motor vehicle within 3 years of the
25 date of application;

26 11. not have been convicted of committing or attempting

1 to commit any one or more of the following offenses: (i)
2 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,
3 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,
4 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,
5 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
6 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
7 12-4.5, 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4,
8 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
9 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5,
10 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1,
11 31A-1.1, and 33A-2, and in subsection (a) and subsection
12 (b), clause (1), of Section 12-4 and subdivisions (a)(1),
13 (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1)
14 of Section 12-3.05, of the Criminal Code of 1961; (ii)
15 those offenses defined in the Cannabis Control Act except
16 those offenses defined in subsections (a) and (b) of
17 Section 4, and subsection (a) of Section 5 of the Cannabis
18 Control Act; (iii) those offenses defined in the Illinois
19 Controlled Substances Act; (iv) those offenses defined in
20 the Methamphetamine Control and Community Protection Act;
21 (v) any offense committed or attempted in any other state
22 or against the laws of the United States, which if
23 committed or attempted in this State would be punishable as
24 one or more of the foregoing offenses; (vi) the offenses
25 defined in Section 4.1 and 5.1 of the Wrongs to Children
26 Act and (vii) those offenses defined in Section 6-16 of the

1 Liquor Control Act of 1934;

2 12. not have been repeatedly involved as a driver in
3 motor vehicle collisions or been repeatedly convicted of
4 offenses against laws and ordinances regulating the
5 movement of traffic, to a degree which indicates lack of
6 ability to exercise ordinary and reasonable care in the
7 safe operation of a motor vehicle or disrespect for the
8 traffic laws and the safety of other persons upon the
9 highway;

10 13. not have, through the unlawful operation of a motor
11 vehicle, caused an accident resulting in the death of any
12 person; and

13 14. not have, within the last 5 years, been adjudged to
14 be afflicted with or suffering from any mental disability
15 or disease.

16 (b) A school bus driver permit shall be valid for a period
17 specified by the Secretary of State as set forth by rule. It
18 shall be renewable upon compliance with subsection (a) of this
19 Section.

20 (c) A school bus driver permit shall contain the holder's
21 driver's license number, legal name, residence address, zip
22 code, social security number and date of birth, a brief
23 description of the holder and a space for signature. The
24 Secretary of State may require a suitable photograph of the
25 holder.

26 (d) The employer shall be responsible for conducting a

1 pre-employment interview with prospective school bus driver
2 candidates, distributing school bus driver applications and
3 medical forms to be completed by the applicant, and submitting
4 the applicant's fingerprint cards to the Department of State
5 Police that are required for the criminal background
6 investigations. The employer shall certify in writing to the
7 Secretary of State that all pre-employment conditions have been
8 successfully completed including the successful completion of
9 an Illinois specific criminal background investigation through
10 the Department of State Police and the submission of necessary
11 fingerprints to the Federal Bureau of Investigation for
12 criminal history information available through the Federal
13 Bureau of Investigation system. The applicant shall present the
14 certification to the Secretary of State at the time of
15 submitting the school bus driver permit application.

16 (e) Permits shall initially be provisional upon receiving
17 certification from the employer that all pre-employment
18 conditions have been successfully completed, and upon
19 successful completion of all training and examination
20 requirements for the classification of the vehicle to be
21 operated, the Secretary of State shall provisionally issue a
22 School Bus Driver Permit. The permit shall remain in a
23 provisional status pending the completion of the Federal Bureau
24 of Investigation's criminal background investigation based
25 upon fingerprinting specimens submitted to the Federal Bureau
26 of Investigation by the Department of State Police. The Federal

1 Bureau of Investigation shall report the findings directly to
2 the Secretary of State. The Secretary of State shall remove the
3 bus driver permit from provisional status upon the applicant's
4 successful completion of the Federal Bureau of Investigation's
5 criminal background investigation.

6 (f) A school bus driver permit holder shall notify the
7 employer and the Secretary of State if he or she is convicted
8 in another state of an offense that would make him or her
9 ineligible for a permit under subsection (a) of this Section.
10 The written notification shall be made within 5 days of the
11 entry of the conviction. Failure of the permit holder to
12 provide the notification is punishable as a petty offense for a
13 first violation and a Class B misdemeanor for a second or
14 subsequent violation.

15 (g) Cancellation; suspension; notice and procedure.

16 (1) The Secretary of State shall cancel a school bus
17 driver permit of an applicant whose criminal background
18 investigation discloses that he or she is not in compliance
19 with the provisions of subsection (a) of this Section.

20 (2) The Secretary of State shall cancel a school bus
21 driver permit when he or she receives notice that the
22 permit holder fails to comply with any provision of this
23 Section or any rule promulgated for the administration of
24 this Section.

25 (3) The Secretary of State shall cancel a school bus
26 driver permit if the permit holder's restricted commercial

1 or commercial driving privileges are withdrawn or
2 otherwise invalidated.

3 (4) The Secretary of State may not issue a school bus
4 driver permit for a period of 3 years to an applicant who
5 fails to obtain a negative result on a drug test as
6 required in item 6 of subsection (a) of this Section or
7 under federal law.

8 (5) The Secretary of State shall forthwith suspend a
9 school bus driver permit for a period of 3 years upon
10 receiving notice that the holder has failed to obtain a
11 negative result on a drug test as required in item 6 of
12 subsection (a) of this Section or under federal law.

13 (6) The Secretary of State shall suspend a school bus
14 driver permit for a period of 3 years upon receiving notice
15 from the employer that the holder failed to perform the
16 inspection procedure set forth in subsection (a) or (b) of
17 Section 12-816 of this Code.

18 The Secretary of State shall notify the State
19 Superintendent of Education and the permit holder's
20 prospective or current employer that the applicant has (1) has
21 failed a criminal background investigation or (2) is no longer
22 eligible for a school bus driver permit; and of the related
23 cancellation of the applicant's provisional school bus driver
24 permit. The cancellation shall remain in effect pending the
25 outcome of a hearing pursuant to Section 2-118 of this Code.
26 The scope of the hearing shall be limited to the issuance

1 criteria contained in subsection (a) of this Section. A
2 petition requesting a hearing shall be submitted to the
3 Secretary of State and shall contain the reason the individual
4 feels he or she is entitled to a school bus driver permit. The
5 permit holder's employer shall notify in writing to the
6 Secretary of State that the employer has certified the removal
7 of the offending school bus driver from service prior to the
8 start of that school bus driver's next workshift. An employing
9 school board that fails to remove the offending school bus
10 driver from service is subject to the penalties defined in
11 Section 3-14.23 of the School Code. A school bus contractor who
12 violates a provision of this Section is subject to the
13 penalties defined in Section 6-106.11.

14 All valid school bus driver permits issued under this
15 Section prior to January 1, 1995, shall remain effective until
16 their expiration date unless otherwise invalidated.

17 (h) When a school bus driver permit holder who is a service
18 member is called to active duty, the employer of the permit
19 holder shall notify the Secretary of State, within 30 days of
20 notification from the permit holder, that the permit holder has
21 been called to active duty. Upon notification pursuant to this
22 subsection, (i) the Secretary of State shall characterize the
23 permit as inactive until a permit holder renews the permit as
24 provided in subsection (i) of this Section, and (ii) if a
25 permit holder fails to comply with the requirements of this
26 Section while called to active duty, the Secretary of State

1 shall not characterize the permit as invalid.

2 (i) A school bus driver permit holder who is a service
3 member returning from active duty must, within 90 days, renew a
4 permit characterized as inactive pursuant to subsection (h) of
5 this Section by complying with the renewal requirements of
6 subsection (b) of this Section.

7 (j) For purposes of subsections (h) and (i) of this
8 Section:

9 "Active duty" means active duty pursuant to an executive
10 order of the President of the United States, an act of the
11 Congress of the United States, or an order of the Governor.

12 "Service member" means a member of the Armed Services or
13 reserve forces of the United States or a member of the Illinois
14 National Guard.

15 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
16 revised 12-1-09.)

17 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

18 Sec. 6-508. Commercial Driver's License (CDL) -
19 qualification standards.

20 (a) Testing.

21 (1) General. No person shall be issued an original or
22 renewal CDL unless that person is domiciled in this State.
23 The Secretary shall cause to be administered such tests as
24 the Secretary deems necessary to meet the requirements of
25 49 C.F.R. Part 383, subparts F, G, H, and J.

1 (2) Third party testing. The Secretary of state may
2 authorize a "third party tester", pursuant to 49 C.F.R.
3 Part 383.75, to administer the skills test or tests
4 specified by Federal Motor Carrier Safety Administration
5 pursuant to the Commercial Motor Vehicle Safety Act of 1986
6 and any appropriate federal rule.

7 (b) Waiver of Skills Test. The Secretary of State may waive
8 the skills test specified in this Section for a driver
9 applicant for a commercial driver license who meets the
10 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

11 (c) Limitations on issuance of a CDL. A CDL, or a
12 commercial driver instruction permit, shall not be issued to a
13 person while the person is subject to a disqualification from
14 driving a commercial motor vehicle, or unless otherwise
15 permitted by this Code, while the person's driver's license is
16 suspended, revoked or cancelled in any state, or any territory
17 or province of Canada; nor may a CDL be issued to a person who
18 has a CDL issued by any other state, or foreign jurisdiction,
19 unless the person first surrenders all such licenses. No CDL
20 shall be issued to or renewed for a person who does not meet
21 the requirement of 49 CFR 391.41(b)(11). The requirement may be
22 met with the aid of a hearing aid.

23 (c-1) The Secretary may issue a CDL with a school bus
24 driver endorsement to allow a person to drive the type of bus
25 described in subsection (d-5) of Section 6-104 of this Code.
26 The CDL with a school bus driver endorsement may be issued only

1 to a person meeting the following requirements:

2 (1) the person has submitted his or her fingerprints to
3 the Department of State Police in the form and manner
4 prescribed by the Department of State Police. These
5 fingerprints shall be checked against the fingerprint
6 records now and hereafter filed in the Department of State
7 Police and Federal Bureau of Investigation criminal
8 history records databases;

9 (2) the person has passed a written test, administered
10 by the Secretary of State, on charter bus operation,
11 charter bus safety, and certain special traffic laws
12 relating to school buses determined by the Secretary of
13 State to be relevant to charter buses, and submitted to a
14 review of the driver applicant's driving habits by the
15 Secretary of State at the time the written test is given;

16 (3) the person has demonstrated physical fitness to
17 operate school buses by submitting the results of a medical
18 examination, including tests for drug use; and

19 (4) the person has not been convicted of committing or
20 attempting to commit any one or more of the following
21 offenses: (i) those offenses defined in Sections 9-1,
22 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
23 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
24 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
25 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
26 12-4.3, 12-4.4, 12-4.5, 12-5.01, 12-6, 12-6.2, 12-7.1,

1 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15,
2 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3,
3 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2,
4 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a)
5 and subsection (b), clause (1), of Section 12-4 and
6 subdivisions (a)(1), (a)(2), (b)(1), (e)(1), (e)(2),
7 (e)(3), (e)(4), and (f)(1) of Section 12-3.05, of the
8 Criminal Code of 1961; (ii) those offenses defined in the
9 Cannabis Control Act except those offenses defined in
10 subsections (a) and (b) of Section 4, and subsection (a) of
11 Section 5 of the Cannabis Control Act; (iii) those offenses
12 defined in the Illinois Controlled Substances Act; (iv)
13 those offenses defined in the Methamphetamine Control and
14 Community Protection Act; (v) any offense committed or
15 attempted in any other state or against the laws of the
16 United States, which if committed or attempted in this
17 State would be punishable as one or more of the foregoing
18 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
19 of the Wrongs to Children Act; and (vii) those offenses
20 defined in Section 6-16 of the Liquor Control Act of 1934.

21 The Department of State Police shall charge a fee for
22 conducting the criminal history records check, which shall be
23 deposited into the State Police Services Fund and may not
24 exceed the actual cost of the records check.

25 (c-2) The Secretary shall issue a CDL with a school bus
26 endorsement to allow a person to drive a school bus as defined

1 in this Section. The CDL shall be issued according to the
2 requirements outlined in 49 C.F.R. 383. A person may not
3 operate a school bus as defined in this Section without a
4 school bus endorsement. The Secretary of State may adopt rules
5 consistent with Federal guidelines to implement this
6 subsection (c-2).

7 (d) Commercial driver instruction permit. A commercial
8 driver instruction permit may be issued to any person holding a
9 valid Illinois driver's license if such person successfully
10 passes such tests as the Secretary determines to be necessary.
11 A commercial driver instruction permit shall not be issued to a
12 person who does not meet the requirements of 49 CFR 391.41
13 (b)(11), except for the renewal of a commercial driver
14 instruction permit for a person who possesses a commercial
15 instruction permit prior to the effective date of this
16 amendatory Act of 1999.

17 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
18 95-331, eff. 8-21-07; 95-382, eff. 8-23-07.)

19 Section 955. The Juvenile Court Act of 1987 is amended by
20 changing Sections 2-25, 3-26, 4-23, 5-130, 5-410, and 5-730 as
21 follows:

22 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

23 Sec. 2-25. Order of protection.

24 (1) The court may make an order of protection in assistance

1 of or as a condition of any other order authorized by this Act.
2 The order of protection shall be based on the health, safety
3 and best interests of the minor and may set forth reasonable
4 conditions of behavior to be observed for a specified period.
5 Such an order may require a person:

6 (a) to stay away from the home or the minor;

7 (b) to permit a parent to visit the minor at stated
8 periods;

9 (c) to abstain from offensive conduct against the
10 minor, his parent or any person to whom custody of the
11 minor is awarded;

12 (d) to give proper attention to the care of the home;

13 (e) to cooperate in good faith with an agency to which
14 custody of a minor is entrusted by the court or with an
15 agency or association to which the minor is referred by the
16 court;

17 (f) to prohibit and prevent any contact whatsoever with
18 the respondent minor by a specified individual or
19 individuals who are alleged in either a criminal or
20 juvenile proceeding to have caused injury to a respondent
21 minor or a sibling of a respondent minor;

22 (g) to refrain from acts of commission or omission that
23 tend to make the home not a proper place for the minor;

24 (h) to refrain from contacting the minor and the foster
25 parents in any manner that is not specified in writing in
26 the case plan.

1 (2) The court shall enter an order of protection to
2 prohibit and prevent any contact between a respondent minor or
3 a sibling of a respondent minor and any person named in a
4 petition seeking an order of protection who has been convicted
5 of heinous battery under Section 12-4.1 or aggravated battery
6 under subdivision (a)(2) of Section 12-3.05, aggravated
7 battery of a child under Section 12-4.3 or aggravated battery
8 under subdivision (b)(1) of Section 12-3.05, criminal sexual
9 assault under Section 12-13, aggravated criminal sexual
10 assault under Section 12-14, predatory criminal sexual assault
11 of a child under Section 12-14.1, criminal sexual abuse under
12 Section 12-15, or aggravated criminal sexual abuse under
13 Section 12-16 of the Criminal Code of 1961, or has been
14 convicted of an offense that resulted in the death of a child,
15 or has violated a previous order of protection under this
16 Section.

17 (3) When the court issues an order of protection against
18 any person as provided by this Section, the court shall direct
19 a copy of such order to the Sheriff of that county. The Sheriff
20 shall furnish a copy of the order of protection to the
21 Department of State Police within 24 hours of receipt, in the
22 form and manner required by the Department. The Department of
23 State Police shall maintain a complete record and index of such
24 orders of protection and make this data available to all local
25 law enforcement agencies.

26 (4) After notice and opportunity for hearing afforded to a

1 person subject to an order of protection, the order may be
2 modified or extended for a further specified period or both or
3 may be terminated if the court finds that the health, safety,
4 and best interests of the minor and the public will be served
5 thereby.

6 (5) An order of protection may be sought at any time during
7 the course of any proceeding conducted pursuant to this Act if
8 such an order is consistent with the health, safety, and best
9 interests of the minor. Any person against whom an order of
10 protection is sought may retain counsel to represent him at a
11 hearing, and has rights to be present at the hearing, to be
12 informed prior to the hearing in writing of the contents of the
13 petition seeking a protective order and of the date, place and
14 time of such hearing, and to cross examine witnesses called by
15 the petitioner and to present witnesses and argument in
16 opposition to the relief sought in the petition.

17 (6) Diligent efforts shall be made by the petitioner to
18 serve any person or persons against whom any order of
19 protection is sought with written notice of the contents of the
20 petition seeking a protective order and of the date, place and
21 time at which the hearing on the petition is to be held. When a
22 protective order is being sought in conjunction with a
23 temporary custody hearing, if the court finds that the person
24 against whom the protective order is being sought has been
25 notified of the hearing or that diligent efforts have been made
26 to notify such person, the court may conduct a hearing. If a

1 protective order is sought at any time other than in
2 conjunction with a temporary custody hearing, the court may not
3 conduct a hearing on the petition in the absence of the person
4 against whom the order is sought unless the petitioner has
5 notified such person by personal service at least 3 days before
6 the hearing or has sent written notice by first class mail to
7 such person's last known address at least 5 days before the
8 hearing.

9 (7) A person against whom an order of protection is being
10 sought who is neither a parent, guardian, legal custodian or
11 responsible relative as described in Section 1-5 is not a party
12 or respondent as defined in that Section and shall not be
13 entitled to the rights provided therein. Such person does not
14 have a right to appointed counsel or to be present at any
15 hearing other than the hearing in which the order of protection
16 is being sought or a hearing directly pertaining to that order.
17 Unless the court orders otherwise, such person does not have a
18 right to inspect the court file.

19 (8) All protective orders entered under this Section shall
20 be in writing. Unless the person against whom the order was
21 obtained was present in court when the order was issued, the
22 sheriff, other law enforcement official or special process
23 server shall promptly serve that order upon that person and
24 file proof of such service, in the manner provided for service
25 of process in civil proceedings. The person against whom the
26 protective order was obtained may seek a modification of the

1 order by filing a written motion to modify the order within 7
2 days after actual receipt by the person of a copy of the order.
3 Any modification of the order granted by the court must be
4 determined to be consistent with the best interests of the
5 minor.

6 (9) If a petition is filed charging a violation of a
7 condition contained in the protective order and if the court
8 determines that this violation is of a critical service
9 necessary to the safety and welfare of the minor, the court may
10 proceed to findings and an order for temporary custody.

11 (Source: P.A. 95-405, eff. 6-1-08.)

12 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

13 Sec. 3-26. Order of protection.

14 (1) The court may make an order of protection in assistance
15 of or as a condition of any other order authorized by this Act.
16 The order of protection may set forth reasonable conditions of
17 behavior to be observed for a specified period. Such an order
18 may require a person:

19 (a) To stay away from the home or the minor;

20 (b) To permit a parent to visit the minor at stated
21 periods;

22 (c) To abstain from offensive conduct against the
23 minor, his parent or any person to whom custody of the
24 minor is awarded;

25 (d) To give proper attention to the care of the home;

1 (e) To cooperate in good faith with an agency to which
2 custody of a minor is entrusted by the court or with an
3 agency or association to which the minor is referred by the
4 court;

5 (f) To prohibit and prevent any contact whatsoever with
6 the respondent minor by a specified individual or
7 individuals who are alleged in either a criminal or
8 juvenile proceeding to have caused injury to a respondent
9 minor or a sibling of a respondent minor;

10 (g) To refrain from acts of commission or omission that
11 tend to make the home not a proper place for the minor.

12 (2) The court shall enter an order of protection to
13 prohibit and prevent any contact between a respondent minor or
14 a sibling of a respondent minor and any person named in a
15 petition seeking an order of protection who has been convicted
16 of heinous battery under Section 12-4.1 or aggravated battery
17 under subdivision (a)(2) of Section 12-3.05, aggravated
18 battery of a child under Section 12-4.3 or aggravated battery
19 under subdivision (b)(1) of Section 12-3.05, criminal sexual
20 assault under Section 12-13, aggravated criminal sexual
21 assault under Section 12-14, predatory criminal sexual assault
22 of a child under Section 12-14.1, criminal sexual abuse under
23 Section 12-15, or aggravated criminal sexual abuse under
24 Section 12-16 of the Criminal Code of 1961, or has been
25 convicted of an offense that resulted in the death of a child,
26 or has violated a previous order of protection under this

1 Section.

2 (3) When the court issues an order of protection against
3 any person as provided by this Section, the court shall direct
4 a copy of such order to the Sheriff of that county. The Sheriff
5 shall furnish a copy of the order of protection to the
6 Department of State Police within 24 hours of receipt, in the
7 form and manner required by the Department. The Department of
8 State Police shall maintain a complete record and index of such
9 orders of protection and make this data available to all local
10 law enforcement agencies.

11 (4) After notice and opportunity for hearing afforded to a
12 person subject to an order of protection, the order may be
13 modified or extended for a further specified period or both or
14 may be terminated if the court finds that the best interests of
15 the minor and the public will be served thereby.

16 (5) An order of protection may be sought at any time during
17 the course of any proceeding conducted pursuant to this Act.
18 Any person against whom an order of protection is sought may
19 retain counsel to represent him at a hearing, and has rights to
20 be present at the hearing, to be informed prior to the hearing
21 in writing of the contents of the petition seeking a protective
22 order and of the date, place and time of such hearing, and to
23 cross examine witnesses called by the petitioner and to present
24 witnesses and argument in opposition to the relief sought in
25 the petition.

26 (6) Diligent efforts shall be made by the petitioner to

1 serve any person or persons against whom any order of
2 protection is sought with written notice of the contents of the
3 petition seeking a protective order and of the date, place and
4 time at which the hearing on the petition is to be held. When a
5 protective order is being sought in conjunction with a shelter
6 care hearing, if the court finds that the person against whom
7 the protective order is being sought has been notified of the
8 hearing or that diligent efforts have been made to notify such
9 person, the court may conduct a hearing. If a protective order
10 is sought at any time other than in conjunction with a shelter
11 care hearing, the court may not conduct a hearing on the
12 petition in the absence of the person against whom the order is
13 sought unless the petitioner has notified such person by
14 personal service at least 3 days before the hearing or has sent
15 written notice by first class mail to such person's last known
16 address at least 5 days before the hearing.

17 (7) A person against whom an order of protection is being
18 sought who is neither a parent, guardian, legal custodian or
19 responsible relative as described in Section 1-5 is not a party
20 or respondent as defined in that Section and shall not be
21 entitled to the rights provided therein. Such person does not
22 have a right to appointed counsel or to be present at any
23 hearing other than the hearing in which the order of protection
24 is being sought or a hearing directly pertaining to that order.
25 Unless the court orders otherwise, such person does not have a
26 right to inspect the court file.

1 (8) All protective orders entered under this Section shall
2 be in writing. Unless the person against whom the order was
3 obtained was present in court when the order was issued, the
4 sheriff, other law enforcement official or special process
5 server shall promptly serve that order upon that person and
6 file proof of such service, in the manner provided for service
7 of process in civil proceedings. The person against whom the
8 protective order was obtained may seek a modification of the
9 order by filing a written motion to modify the order within 7
10 days after actual receipt by the person of a copy of the order.
11 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
12 90-655, eff. 7-30-98.)

13 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

14 Sec. 4-23. Order of protection.

15 (1) The court may make an order of protection in assistance
16 of or as a condition of any other order authorized by this Act.
17 The order of protection may set forth reasonable conditions of
18 behavior to be observed for a specified period. Such an order
19 may require a person:

20 (a) To stay away from the home or the minor;

21 (b) To permit a parent to visit the minor at stated
22 periods;

23 (c) To abstain from offensive conduct against the
24 minor, his parent or any person to whom custody of the
25 minor is awarded;

1 (d) To give proper attention to the care of the home;

2 (e) To cooperate in good faith with an agency to which
3 custody of a minor is entrusted by the court or with an
4 agency or association to which the minor is referred by the
5 court;

6 (f) To prohibit and prevent any contact whatsoever with
7 the respondent minor by a specified individual or
8 individuals who are alleged in either a criminal or
9 juvenile proceeding to have caused injury to a respondent
10 minor or a sibling of a respondent minor;

11 (g) To refrain from acts of commission or omission that
12 tend to make the home not a proper place for the minor.

13 (2) The court shall enter an order of protection to
14 prohibit and prevent any contact between a respondent minor or
15 a sibling of a respondent minor and any person named in a
16 petition seeking an order of protection who has been convicted
17 of heinous battery under Section 12-4.1 or aggravated battery
18 under subdivision (a)(2) of Section 12-3.05, aggravated
19 battery of a child under Section 12-4.3 or aggravated battery
20 under subdivision (b)(1) of Section 12-3.05, criminal sexual
21 assault under Section 12-13, aggravated criminal sexual
22 assault under Section 12-14, predatory criminal sexual assault
23 of a child under Section 12-14.1, criminal sexual abuse under
24 Section 12-15, or aggravated criminal sexual abuse under
25 Section 12-16 of the Criminal Code of 1961, or has been
26 convicted of an offense that resulted in the death of a child,

1 or has violated a previous order of protection under this
2 Section.

3 (3) When the court issues an order of protection against
4 any person as provided by this Section, the court shall direct
5 a copy of such order to the Sheriff of that county. The Sheriff
6 shall furnish a copy of the order of protection to the
7 Department of State Police within 24 hours of receipt, in the
8 form and manner required by the Department. The Department of
9 State Police shall maintain a complete record and index of such
10 orders of protection and make this data available to all local
11 law enforcement agencies.

12 (4) After notice and opportunity for hearing afforded to a
13 person subject to an order of protection, the order may be
14 modified or extended for a further specified period or both or
15 may be terminated if the court finds that the best interests of
16 the minor and the public will be served thereby.

17 (5) An order of protection may be sought at any time during
18 the course of any proceeding conducted pursuant to this Act.
19 Any person against whom an order of protection is sought may
20 retain counsel to represent him at a hearing, and has rights to
21 be present at the hearing, to be informed prior to the hearing
22 in writing of the contents of the petition seeking a protective
23 order and of the date, place and time of such hearing, and to
24 cross examine witnesses called by the petitioner and to present
25 witnesses and argument in opposition to the relief sought in
26 the petition.

1 (6) Diligent efforts shall be made by the petitioner to
2 serve any person or persons against whom any order of
3 protection is sought with written notice of the contents of the
4 petition seeking a protective order and of the date, place and
5 time at which the hearing on the petition is to be held. When a
6 protective order is being sought in conjunction with a shelter
7 care hearing, if the court finds that the person against whom
8 the protective order is being sought has been notified of the
9 hearing or that diligent efforts have been made to notify such
10 person, the court may conduct a hearing. If a protective order
11 is sought at any time other than in conjunction with a shelter
12 care hearing, the court may not conduct a hearing on the
13 petition in the absence of the person against whom the order is
14 sought unless the petitioner has notified such person by
15 personal service at least 3 days before the hearing or has sent
16 written notice by first class mail to such person's last known
17 address at least 5 days before the hearing.

18 (7) A person against whom an order of protection is being
19 sought who is neither a parent, guardian, legal custodian or
20 responsible relative as described in Section 1-5 is not a party
21 or respondent as defined in that Section and shall not be
22 entitled to the rights provided therein. Such person does not
23 have a right to appointed counsel or to be present at any
24 hearing other than the hearing in which the order of protection
25 is being sought or a hearing directly pertaining to that order.
26 Unless the court orders otherwise, such person does not have a

1 right to inspect the court file.

2 (8) All protective orders entered under this Section shall
3 be in writing. Unless the person against whom the order was
4 obtained was present in court when the order was issued, the
5 sheriff, other law enforcement official or special process
6 server shall promptly serve that order upon that person and
7 file proof of such service, in the manner provided for service
8 of process in civil proceedings. The person against whom the
9 protective order was obtained may seek a modification of the
10 order by filing a written motion to modify the order within 7
11 days after actual receipt by the person of a copy of the order.
12 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
13 90-655, eff. 7-30-98.)

14 (705 ILCS 405/5-130)

15 Sec. 5-130. Excluded jurisdiction.

16 (1) (a) The definition of delinquent minor under Section
17 5-120 of this Article shall not apply to any minor who at the
18 time of an offense was at least 15 years of age and who is
19 charged with: (i) first degree murder, (ii) aggravated criminal
20 sexual assault, (iii) aggravated battery with a firearm as
21 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
22 (e)(3), or (e)(4) of Section 12-3.05 where the minor personally
23 discharged a firearm as defined in Section 2-15.5 of the
24 Criminal Code of 1961, (iv) armed robbery when the armed
25 robbery was committed with a firearm, or (v) aggravated

1 vehicular hijacking when the hijacking was committed with a
2 firearm.

3 These charges and all other charges arising out of the same
4 incident shall be prosecuted under the criminal laws of this
5 State.

6 (b) (i) If before trial or plea an information or
7 indictment is filed that does not charge an offense specified
8 in paragraph (a) of this subsection (1) the State's Attorney
9 may proceed on any lesser charge or charges, but only in
10 Juvenile Court under the provisions of this Article. The
11 State's Attorney may proceed under the Criminal Code of 1961 on
12 a lesser charge if before trial the minor defendant knowingly
13 and with advice of counsel waives, in writing, his or her right
14 to have the matter proceed in Juvenile Court.

15 (ii) If before trial or plea an information or indictment
16 is filed that includes one or more charges specified in
17 paragraph (a) of this subsection (1) and additional charges
18 that are not specified in that paragraph, all of the charges
19 arising out of the same incident shall be prosecuted under the
20 Criminal Code of 1961.

21 (c) (i) If after trial or plea the minor is convicted of
22 any offense covered by paragraph (a) of this subsection (1),
23 then, in sentencing the minor, the court shall have available
24 any or all dispositions prescribed for that offense under
25 Chapter V of the Unified Code of Corrections.

26 (ii) If after trial or plea the court finds that the minor

1 committed an offense not covered by paragraph (a) of this
2 subsection (1), that finding shall not invalidate the verdict
3 or the prosecution of the minor under the criminal laws of the
4 State; however, unless the State requests a hearing for the
5 purpose of sentencing the minor under Chapter V of the Unified
6 Code of Corrections, the Court must proceed under Sections
7 5-705 and 5-710 of this Article. To request a hearing, the
8 State must file a written motion within 10 days following the
9 entry of a finding or the return of a verdict. Reasonable
10 notice of the motion shall be given to the minor or his or her
11 counsel. If the motion is made by the State, the court shall
12 conduct a hearing to determine if the minor should be sentenced
13 under Chapter V of the Unified Code of Corrections. In making
14 its determination, the court shall consider among other
15 matters: (a) whether there is evidence that the offense was
16 committed in an aggressive and premeditated manner; (b) the age
17 of the minor; (c) the previous history of the minor; (d)
18 whether there are facilities particularly available to the
19 Juvenile Court or the Department of Juvenile Justice for the
20 treatment and rehabilitation of the minor; (e) whether the
21 security of the public requires sentencing under Chapter V of
22 the Unified Code of Corrections; and (f) whether the minor
23 possessed a deadly weapon when committing the offense. The
24 rules of evidence shall be the same as if at trial. If after
25 the hearing the court finds that the minor should be sentenced
26 under Chapter V of the Unified Code of Corrections, then the

1 court shall sentence the minor accordingly having available to
2 it any or all dispositions so prescribed.

3 (2) (Blank).

4 (3) (a) The definition of delinquent minor under Section
5 5-120 of this Article shall not apply to any minor who at the
6 time of the offense was at least 15 years of age and who is
7 charged with a violation of the provisions of paragraph (1),
8 (3), (4), or (10) of subsection (a) of Section 24-1 of the
9 Criminal Code of 1961 while in school, regardless of the time
10 of day or the time of year, or on the real property comprising
11 any school, regardless of the time of day or the time of year.
12 School is defined, for purposes of this Section as any public
13 or private elementary or secondary school, community college,
14 college, or university. These charges and all other charges
15 arising out of the same incident shall be prosecuted under the
16 criminal laws of this State.

17 (b) (i) If before trial or plea an information or
18 indictment is filed that does not charge an offense specified
19 in paragraph (a) of this subsection (3) the State's Attorney
20 may proceed on any lesser charge or charges, but only in
21 Juvenile Court under the provisions of this Article. The
22 State's Attorney may proceed under the criminal laws of this
23 State on a lesser charge if before trial the minor defendant
24 knowingly and with advice of counsel waives, in writing, his or
25 her right to have the matter proceed in Juvenile Court.

26 (ii) If before trial or plea an information or indictment

1 is filed that includes one or more charges specified in
2 paragraph (a) of this subsection (3) and additional charges
3 that are not specified in that paragraph, all of the charges
4 arising out of the same incident shall be prosecuted under the
5 criminal laws of this State.

6 (c) (i) If after trial or plea the minor is convicted of
7 any offense covered by paragraph (a) of this subsection (3),
8 then, in sentencing the minor, the court shall have available
9 any or all dispositions prescribed for that offense under
10 Chapter V of the Unified Code of Corrections.

11 (ii) If after trial or plea the court finds that the minor
12 committed an offense not covered by paragraph (a) of this
13 subsection (3), that finding shall not invalidate the verdict
14 or the prosecution of the minor under the criminal laws of the
15 State; however, unless the State requests a hearing for the
16 purpose of sentencing the minor under Chapter V of the Unified
17 Code of Corrections, the Court must proceed under Sections
18 5-705 and 5-710 of this Article. To request a hearing, the
19 State must file a written motion within 10 days following the
20 entry of a finding or the return of a verdict. Reasonable
21 notice of the motion shall be given to the minor or his or her
22 counsel. If the motion is made by the State, the court shall
23 conduct a hearing to determine if the minor should be sentenced
24 under Chapter V of the Unified Code of Corrections. In making
25 its determination, the court shall consider among other
26 matters: (a) whether there is evidence that the offense was

1 committed in an aggressive and premeditated manner; (b) the age
2 of the minor; (c) the previous history of the minor; (d)
3 whether there are facilities particularly available to the
4 Juvenile Court or the Department of Juvenile Justice for the
5 treatment and rehabilitation of the minor; (e) whether the
6 security of the public requires sentencing under Chapter V of
7 the Unified Code of Corrections; and (f) whether the minor
8 possessed a deadly weapon when committing the offense. The
9 rules of evidence shall be the same as if at trial. If after
10 the hearing the court finds that the minor should be sentenced
11 under Chapter V of the Unified Code of Corrections, then the
12 court shall sentence the minor accordingly having available to
13 it any or all dispositions so prescribed.

14 (4) (a) The definition of delinquent minor under Section
15 5-120 of this Article shall not apply to any minor who at the
16 time of an offense was at least 13 years of age and who is
17 charged with first degree murder committed during the course of
18 either aggravated criminal sexual assault, criminal sexual
19 assault, or aggravated kidnaping. However, this subsection (4)
20 does not include a minor charged with first degree murder based
21 exclusively upon the accountability provisions of the Criminal
22 Code of 1961.

23 (b) (i) If before trial or plea an information or
24 indictment is filed that does not charge first degree murder
25 committed during the course of aggravated criminal sexual
26 assault, criminal sexual assault, or aggravated kidnaping, the

1 State's Attorney may proceed on any lesser charge or charges,
2 but only in Juvenile Court under the provisions of this
3 Article. The State's Attorney may proceed under the criminal
4 laws of this State on a lesser charge if before trial the minor
5 defendant knowingly and with advice of counsel waives, in
6 writing, his or her right to have the matter proceed in
7 Juvenile Court.

8 (ii) If before trial or plea an information or indictment
9 is filed that includes first degree murder committed during the
10 course of aggravated criminal sexual assault, criminal sexual
11 assault, or aggravated kidnaping, and additional charges that
12 are not specified in paragraph (a) of this subsection, all of
13 the charges arising out of the same incident shall be
14 prosecuted under the criminal laws of this State.

15 (c) (i) If after trial or plea the minor is convicted of
16 first degree murder committed during the course of aggravated
17 criminal sexual assault, criminal sexual assault, or
18 aggravated kidnaping, in sentencing the minor, the court shall
19 have available any or all dispositions prescribed for that
20 offense under Chapter V of the Unified Code of Corrections.

21 (ii) If the minor was not yet 15 years of age at the time of
22 the offense, and if after trial or plea the court finds that
23 the minor committed an offense other than first degree murder
24 committed during the course of either aggravated criminal
25 sexual assault, criminal sexual assault, or aggravated
26 kidnaping, the finding shall not invalidate the verdict or the

1 prosecution of the minor under the criminal laws of the State;
2 however, unless the State requests a hearing for the purpose of
3 sentencing the minor under Chapter V of the Unified Code of
4 Corrections, the Court must proceed under Sections 5-705 and
5 5-710 of this Article. To request a hearing, the State must
6 file a written motion within 10 days following the entry of a
7 finding or the return of a verdict. Reasonable notice of the
8 motion shall be given to the minor or his or her counsel. If
9 the motion is made by the State, the court shall conduct a
10 hearing to determine whether the minor should be sentenced
11 under Chapter V of the Unified Code of Corrections. In making
12 its determination, the court shall consider among other
13 matters: (a) whether there is evidence that the offense was
14 committed in an aggressive and premeditated manner; (b) the age
15 of the minor; (c) the previous delinquent history of the minor;
16 (d) whether there are facilities particularly available to the
17 Juvenile Court or the Department of Juvenile Justice for the
18 treatment and rehabilitation of the minor; (e) whether the best
19 interest of the minor and the security of the public require
20 sentencing under Chapter V of the Unified Code of Corrections;
21 and (f) whether the minor possessed a deadly weapon when
22 committing the offense. The rules of evidence shall be the same
23 as if at trial. If after the hearing the court finds that the
24 minor should be sentenced under Chapter V of the Unified Code
25 of Corrections, then the court shall sentence the minor
26 accordingly having available to it any or all dispositions so

1 prescribed.

2 (5) (a) The definition of delinquent minor under Section
3 5-120 of this Article shall not apply to any minor who is
4 charged with a violation of subsection (a) of Section 31-6 or
5 Section 32-10 of the Criminal Code of 1961 when the minor is
6 subject to prosecution under the criminal laws of this State as
7 a result of the application of the provisions of Section 5-125,
8 or subsection (1) or (2) of this Section. These charges and all
9 other charges arising out of the same incident shall be
10 prosecuted under the criminal laws of this State.

11 (b) (i) If before trial or plea an information or
12 indictment is filed that does not charge an offense specified
13 in paragraph (a) of this subsection (5), the State's Attorney
14 may proceed on any lesser charge or charges, but only in
15 Juvenile Court under the provisions of this Article. The
16 State's Attorney may proceed under the criminal laws of this
17 State on a lesser charge if before trial the minor defendant
18 knowingly and with advice of counsel waives, in writing, his or
19 her right to have the matter proceed in Juvenile Court.

20 (ii) If before trial or plea an information or indictment
21 is filed that includes one or more charges specified in
22 paragraph (a) of this subsection (5) and additional charges
23 that are not specified in that paragraph, all of the charges
24 arising out of the same incident shall be prosecuted under the
25 criminal laws of this State.

26 (c) (i) If after trial or plea the minor is convicted of

1 any offense covered by paragraph (a) of this subsection (5),
2 then, in sentencing the minor, the court shall have available
3 any or all dispositions prescribed for that offense under
4 Chapter V of the Unified Code of Corrections.

5 (ii) If after trial or plea the court finds that the minor
6 committed an offense not covered by paragraph (a) of this
7 subsection (5), the conviction shall not invalidate the verdict
8 or the prosecution of the minor under the criminal laws of this
9 State; however, unless the State requests a hearing for the
10 purpose of sentencing the minor under Chapter V of the Unified
11 Code of Corrections, the Court must proceed under Sections
12 5-705 and 5-710 of this Article. To request a hearing, the
13 State must file a written motion within 10 days following the
14 entry of a finding or the return of a verdict. Reasonable
15 notice of the motion shall be given to the minor or his or her
16 counsel. If the motion is made by the State, the court shall
17 conduct a hearing to determine if whether the minor should be
18 sentenced under Chapter V of the Unified Code of Corrections.
19 In making its determination, the court shall consider among
20 other matters: (a) whether there is evidence that the offense
21 was committed in an aggressive and premeditated manner; (b) the
22 age of the minor; (c) the previous delinquent history of the
23 minor; (d) whether there are facilities particularly available
24 to the Juvenile Court or the Department of Juvenile Justice for
25 the treatment and rehabilitation of the minor; (e) whether the
26 security of the public requires sentencing under Chapter V of

1 the Unified Code of Corrections; and (f) whether the minor
2 possessed a deadly weapon when committing the offense. The
3 rules of evidence shall be the same as if at trial. If after
4 the hearing the court finds that the minor should be sentenced
5 under Chapter V of the Unified Code of Corrections, then the
6 court shall sentence the minor accordingly having available to
7 it any or all dispositions so prescribed.

8 (6) The definition of delinquent minor under Section 5-120
9 of this Article shall not apply to any minor who, pursuant to
10 subsection (1) or (3) or Section 5-805 or 5-810, has previously
11 been placed under the jurisdiction of the criminal court and
12 has been convicted of a crime under an adult criminal or penal
13 statute. Such a minor shall be subject to prosecution under the
14 criminal laws of this State.

15 (7) The procedures set out in this Article for the
16 investigation, arrest and prosecution of juvenile offenders
17 shall not apply to minors who are excluded from jurisdiction of
18 the Juvenile Court, except that minors under 17 years of age
19 shall be kept separate from confined adults.

20 (8) Nothing in this Act prohibits or limits the prosecution
21 of any minor for an offense committed on or after his or her
22 17th birthday even though he or she is at the time of the
23 offense a ward of the court.

24 (9) If an original petition for adjudication of wardship
25 alleges the commission by a minor 13 years of age or over of an
26 act that constitutes a crime under the laws of this State, the

1 minor, with the consent of his or her counsel, may, at any time
2 before commencement of the adjudicatory hearing, file with the
3 court a motion that criminal prosecution be ordered and that
4 the petition be dismissed insofar as the act or acts involved
5 in the criminal proceedings are concerned. If such a motion is
6 filed as herein provided, the court shall enter its order
7 accordingly.

8 (10) If, prior to August 12, 2005 (the effective date of
9 Public Act 94-574), a minor is charged with a violation of
10 Section 401 of the Illinois Controlled Substances Act under the
11 criminal laws of this State, other than a minor charged with a
12 Class X felony violation of the Illinois Controlled Substances
13 Act or the Methamphetamine Control and Community Protection
14 Act, any party including the minor or the court sua sponte may,
15 before trial, move for a hearing for the purpose of trying and
16 sentencing the minor as a delinquent minor. To request a
17 hearing, the party must file a motion prior to trial.
18 Reasonable notice of the motion shall be given to all parties.
19 On its own motion or upon the filing of a motion by one of the
20 parties including the minor, the court shall conduct a hearing
21 to determine whether the minor should be tried and sentenced as
22 a delinquent minor under this Article. In making its
23 determination, the court shall consider among other matters:

24 (a) The age of the minor;

25 (b) Any previous delinquent or criminal history of the
26 minor;

1 (c) Any previous abuse or neglect history of the minor;

2 (d) Any mental health or educational history of the minor,
3 or both; and

4 (e) Whether there is probable cause to support the charge,
5 whether the minor is charged through accountability, and
6 whether there is evidence the minor possessed a deadly weapon
7 or caused serious bodily harm during the offense.

8 Any material that is relevant and reliable shall be
9 admissible at the hearing. In all cases, the judge shall enter
10 an order permitting prosecution under the criminal laws of
11 Illinois unless the judge makes a finding based on a
12 preponderance of the evidence that the minor would be amenable
13 to the care, treatment, and training programs available through
14 the facilities of the juvenile court based on an evaluation of
15 the factors listed in this subsection (10).

16 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;
17 94-696, eff. 6-1-06.)

18 (705 ILCS 405/5-410)

19 Sec. 5-410. Non-secure custody or detention.

20 (1) Any minor arrested or taken into custody pursuant to
21 this Act who requires care away from his or her home but who
22 does not require physical restriction shall be given temporary
23 care in a foster family home or other shelter facility
24 designated by the court.

25 (2) (a) Any minor 10 years of age or older arrested

1 pursuant to this Act where there is probable cause to believe
2 that the minor is a delinquent minor and that (i) secured
3 custody is a matter of immediate and urgent necessity for the
4 protection of the minor or of the person or property of
5 another, (ii) the minor is likely to flee the jurisdiction of
6 the court, or (iii) the minor was taken into custody under a
7 warrant, may be kept or detained in an authorized detention
8 facility. No minor under 12 years of age shall be detained in a
9 county jail or a municipal lockup for more than 6 hours.

10 (b) The written authorization of the probation officer or
11 detention officer (or other public officer designated by the
12 court in a county having 3,000,000 or more inhabitants)
13 constitutes authority for the superintendent of any juvenile
14 detention home to detain and keep a minor for up to 40 hours,
15 excluding Saturdays, Sundays and court-designated holidays.
16 These records shall be available to the same persons and
17 pursuant to the same conditions as are law enforcement records
18 as provided in Section 5-905.

19 (b-4) The consultation required by subsection (b-5) shall
20 not be applicable if the probation officer or detention officer
21 (or other public officer designated by the court in a county
22 having 3,000,000 or more inhabitants) utilizes a scorable
23 detention screening instrument, which has been developed with
24 input by the State's Attorney, to determine whether a minor
25 should be detained, however, subsection (b-5) shall still be
26 applicable where no such screening instrument is used or where

1 the probation officer, detention officer (or other public
2 officer designated by the court in a county having 3,000,000 or
3 more inhabitants) deviates from the screening instrument.

4 (b-5) Subject to the provisions of subsection (b-4), if a
5 probation officer or detention officer (or other public officer
6 designated by the court in a county having 3,000,000 or more
7 inhabitants) does not intend to detain a minor for an offense
8 which constitutes one of the following offenses he or she shall
9 consult with the State's Attorney's Office prior to the release
10 of the minor: first degree murder, second degree murder,
11 involuntary manslaughter, criminal sexual assault, aggravated
12 criminal sexual assault, aggravated battery with a firearm as
13 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
14 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous
15 battery involving permanent disability or disfigurement or
16 great bodily harm, robbery, aggravated robbery, armed robbery,
17 vehicular hijacking, aggravated vehicular hijacking, vehicular
18 invasion, arson, aggravated arson, kidnapping, aggravated
19 kidnapping, home invasion, burglary, or residential burglary.

20 (c) Except as otherwise provided in paragraph (a), (d), or
21 (e), no minor shall be detained in a county jail or municipal
22 lockup for more than 12 hours, unless the offense is a crime of
23 violence in which case the minor may be detained up to 24
24 hours. For the purpose of this paragraph, "crime of violence"
25 has the meaning ascribed to it in Section 1-10 of the
26 Alcoholism and Other Drug Abuse and Dependency Act.

1 (i) The period of detention is deemed to have begun
2 once the minor has been placed in a locked room or cell or
3 handcuffed to a stationary object in a building housing a
4 county jail or municipal lockup. Time spent transporting a
5 minor is not considered to be time in detention or secure
6 custody.

7 (ii) Any minor so confined shall be under periodic
8 supervision and shall not be permitted to come into or
9 remain in contact with adults in custody in the building.

10 (iii) Upon placement in secure custody in a jail or
11 lockup, the minor shall be informed of the purpose of the
12 detention, the time it is expected to last and the fact
13 that it cannot exceed the time specified under this Act.

14 (iv) A log shall be kept which shows the offense which
15 is the basis for the detention, the reasons and
16 circumstances for the decision to detain and the length of
17 time the minor was in detention.

18 (v) Violation of the time limit on detention in a
19 county jail or municipal lockup shall not, in and of
20 itself, render inadmissible evidence obtained as a result
21 of the violation of this time limit. Minors under 17 years
22 of age shall be kept separate from confined adults and may
23 not at any time be kept in the same cell, room or yard with
24 adults confined pursuant to criminal law. Persons 17 years
25 of age and older who have a petition of delinquency filed
26 against them may be confined in an adult detention

1 facility. In making a determination whether to confine a
2 person 17 years of age or older who has a petition of
3 delinquency filed against the person, these factors, among
4 other matters, shall be considered:

5 (A) The age of the person;

6 (B) Any previous delinquent or criminal history of
7 the person;

8 (C) Any previous abuse or neglect history of the
9 person; and

10 (D) Any mental health or educational history of the
11 person, or both.

12 (d) (i) If a minor 12 years of age or older is confined in a
13 county jail in a county with a population below 3,000,000
14 inhabitants, then the minor's confinement shall be implemented
15 in such a manner that there will be no contact by sight, sound
16 or otherwise between the minor and adult prisoners. Minors 12
17 years of age or older must be kept separate from confined
18 adults and may not at any time be kept in the same cell, room,
19 or yard with confined adults. This paragraph (d) (i) shall only
20 apply to confinement pending an adjudicatory hearing and shall
21 not exceed 40 hours, excluding Saturdays, Sundays and court
22 designated holidays. To accept or hold minors during this time
23 period, county jails shall comply with all monitoring standards
24 promulgated by the Department of Corrections and training
25 standards approved by the Illinois Law Enforcement Training
26 Standards Board.

1 (ii) To accept or hold minors, 12 years of age or older,
2 after the time period prescribed in paragraph (d)(i) of this
3 subsection (2) of this Section but not exceeding 7 days
4 including Saturdays, Sundays and holidays pending an
5 adjudicatory hearing, county jails shall comply with all
6 temporary detention standards promulgated by the Department of
7 Corrections and training standards approved by the Illinois Law
8 Enforcement Training Standards Board.

9 (iii) To accept or hold minors 12 years of age or older,
10 after the time period prescribed in paragraphs (d)(i) and
11 (d)(ii) of this subsection (2) of this Section, county jails
12 shall comply with all programmatic and training standards for
13 juvenile detention homes promulgated by the Department of
14 Corrections.

15 (e) When a minor who is at least 15 years of age is
16 prosecuted under the criminal laws of this State, the court may
17 enter an order directing that the juvenile be confined in the
18 county jail. However, any juvenile confined in the county jail
19 under this provision shall be separated from adults who are
20 confined in the county jail in such a manner that there will be
21 no contact by sight, sound or otherwise between the juvenile
22 and adult prisoners.

23 (f) For purposes of appearing in a physical lineup, the
24 minor may be taken to a county jail or municipal lockup under
25 the direct and constant supervision of a juvenile police
26 officer. During such time as is necessary to conduct a lineup,

1 and while supervised by a juvenile police officer, the sight
2 and sound separation provisions shall not apply.

3 (g) For purposes of processing a minor, the minor may be
4 taken to a County Jail or municipal lockup under the direct and
5 constant supervision of a law enforcement officer or
6 correctional officer. During such time as is necessary to
7 process the minor, and while supervised by a law enforcement
8 officer or correctional officer, the sight and sound separation
9 provisions shall not apply.

10 (3) If the probation officer or State's Attorney (or such
11 other public officer designated by the court in a county having
12 3,000,000 or more inhabitants) determines that the minor may be
13 a delinquent minor as described in subsection (3) of Section
14 5-105, and should be retained in custody but does not require
15 physical restriction, the minor may be placed in non-secure
16 custody for up to 40 hours pending a detention hearing.

17 (4) Any minor taken into temporary custody, not requiring
18 secure detention, may, however, be detained in the home of his
19 or her parent or guardian subject to such conditions as the
20 court may impose.

21 (Source: P.A. 93-255, eff. 1-1-04.)

22 (705 ILCS 405/5-730)

23 Sec. 5-730. Order of protection.

24 (1) The court may make an order of protection in assistance
25 of or as a condition of any other order authorized by this Act.

1 The order of protection may set forth reasonable conditions of
2 behavior to be observed for a specified period. The order may
3 require a person:

4 (a) to stay away from the home or the minor;

5 (b) to permit a parent to visit the minor at stated
6 periods;

7 (c) to abstain from offensive conduct against the
8 minor, his or her parent or any person to whom custody of
9 the minor is awarded;

10 (d) to give proper attention to the care of the home;

11 (e) to cooperate in good faith with an agency to which
12 custody of a minor is entrusted by the court or with an
13 agency or association to which the minor is referred by the
14 court;

15 (f) to prohibit and prevent any contact whatsoever with
16 the respondent minor by a specified individual or
17 individuals who are alleged in either a criminal or
18 juvenile proceeding to have caused injury to a respondent
19 minor or a sibling of a respondent minor;

20 (g) to refrain from acts of commission or omission that
21 tend to make the home not a proper place for the minor.

22 (2) The court shall enter an order of protection to
23 prohibit and prevent any contact between a respondent minor or
24 a sibling of a respondent minor and any person named in a
25 petition seeking an order of protection who has been convicted
26 of heinous battery under Section 12-4.1 or aggravated battery

1 under subdivision (a) (2) of Section 12-3.05, aggravated
2 battery of a child under Section 12-4.3 or aggravated battery
3 under subdivision (b) (1) of Section 12-3.05, criminal sexual
4 assault under Section 12-13, aggravated criminal sexual
5 assault under Section 12-14, predatory criminal sexual assault
6 of a child under Section 12-14.1, criminal sexual abuse under
7 Section 12-15, or aggravated criminal sexual abuse under
8 Section 12-16 of the Criminal Code of 1961, or has been
9 convicted of an offense that resulted in the death of a child,
10 or has violated a previous order of protection under this
11 Section.

12 (3) When the court issues an order of protection against
13 any person as provided by this Section, the court shall direct
14 a copy of such order to the sheriff of that county. The sheriff
15 shall furnish a copy of the order of protection to the
16 Department of State Police within 24 hours of receipt, in the
17 form and manner required by the Department. The Department of
18 State Police shall maintain a complete record and index of the
19 orders of protection and make this data available to all local
20 law enforcement agencies.

21 (4) After notice and opportunity for hearing afforded to a
22 person subject to an order of protection, the order may be
23 modified or extended for a further specified period or both or
24 may be terminated if the court finds that the best interests of
25 the minor and the public will be served by the modification,
26 extension, or termination.

1 (5) An order of protection may be sought at any time during
2 the course of any proceeding conducted under this Act. Any
3 person against whom an order of protection is sought may retain
4 counsel to represent him or her at a hearing, and has rights to
5 be present at the hearing, to be informed prior to the hearing
6 in writing of the contents of the petition seeking a protective
7 order and of the date, place, and time of the hearing, and to
8 cross-examine witnesses called by the petitioner and to present
9 witnesses and argument in opposition to the relief sought in
10 the petition.

11 (6) Diligent efforts shall be made by the petitioner to
12 serve any person or persons against whom any order of
13 protection is sought with written notice of the contents of the
14 petition seeking a protective order and of the date, place and
15 time at which the hearing on the petition is to be held. When a
16 protective order is being sought in conjunction with a shelter
17 care or detention hearing, if the court finds that the person
18 against whom the protective order is being sought has been
19 notified of the hearing or that diligent efforts have been made
20 to notify the person, the court may conduct a hearing. If a
21 protective order is sought at any time other than in
22 conjunction with a shelter care or detention hearing, the court
23 may not conduct a hearing on the petition in the absence of the
24 person against whom the order is sought unless the petitioner
25 has notified the person by personal service at least 3 days
26 before the hearing or has sent written notice by first class

1 mail to the person's last known address at least 5 days before
2 the hearing.

3 (7) A person against whom an order of protection is being
4 sought who is neither a parent, guardian, or legal custodian or
5 responsible relative as described in Section 1-5 of this Act or
6 is not a party or respondent as defined in that Section shall
7 not be entitled to the rights provided in that Section. The
8 person does not have a right to appointed counsel or to be
9 present at any hearing other than the hearing in which the
10 order of protection is being sought or a hearing directly
11 pertaining to that order. Unless the court orders otherwise,
12 the person does not have a right to inspect the court file.

13 (8) All protective orders entered under this Section shall
14 be in writing. Unless the person against whom the order was
15 obtained was present in court when the order was issued, the
16 sheriff, other law enforcement official, or special process
17 server shall promptly serve that order upon that person and
18 file proof of that service, in the manner provided for service
19 of process in civil proceedings. The person against whom the
20 protective order was obtained may seek a modification of the
21 order by filing a written motion to modify the order within 7
22 days after actual receipt by the person of a copy of the order.
23 (Source: P.A. 90-590, eff. 1-1-99.)

24 Section 960. The Criminal Code of 1961 is amended by
25 changing Sections 2-10.1, 24-1.7, 33A-2, 33A-3, and 36-1 as

1 follows:

2 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

3 Sec. 2-10.1. "Severely or profoundly mentally retarded
4 person" means a person (i) whose intelligence quotient does not
5 exceed 40 or (ii) whose intelligence quotient does not exceed
6 55 and who suffers from significant mental illness to the
7 extent that the person's ability to exercise rational judgment
8 is impaired. In any proceeding in which the defendant is
9 charged with committing a violation of Section 10-2, 10-5,
10 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3, 12-14, or 12-16, or
11 subdivision (b) (1) of Section 12-3.05, of this Code against a
12 victim who is alleged to be a severely or profoundly mentally
13 retarded person, any findings concerning the victim's status as
14 a severely or profoundly mentally retarded person, made by a
15 court after a judicial admission hearing concerning the victim
16 under Articles V and VI of Chapter 4 of the Mental Health and
17 Developmental Disabilities Code shall be admissible.

18 (Source: P.A. 92-434, eff. 1-1-02.)

19 (720 ILCS 5/24-1.7)

20 Sec. 24-1.7. Armed habitual criminal.

21 (a) A person commits the offense of being an armed habitual
22 criminal if he or she receives, sells, possesses, or transfers
23 any firearm after having been convicted a total of 2 or more
24 times of any combination of the following offenses:

1 (1) a forcible felony as defined in Section 2-8 of this
2 Code;

3 (2) unlawful use of a weapon by a felon; aggravated
4 unlawful use of a weapon; aggravated discharge of a
5 firearm; vehicular hijacking; aggravated vehicular
6 hijacking; aggravated battery of a child as described in
7 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
8 intimidation; aggravated intimidation; gunrunning; home
9 invasion; or aggravated battery with a firearm as described
10 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or
11 (e)(4) of Section 12-3.05; or

12 (3) any violation of the Illinois Controlled
13 Substances Act or the Cannabis Control Act that is
14 punishable as a Class 3 felony or higher.

15 (b) Sentence. Being an armed habitual criminal is a Class X
16 felony.

17 (Source: P.A. 94-398, eff. 8-2-05.)

18 (720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

19 Sec. 33A-2. Armed violence-Elements of the offense.

20 (a) A person commits armed violence when, while armed with
21 a dangerous weapon, he commits any felony defined by Illinois
22 Law, except first degree murder, attempted first degree murder,
23 intentional homicide of an unborn child, second degree murder,
24 involuntary manslaughter, reckless homicide, predatory
25 criminal sexual assault of a child, aggravated battery of a

1 child as described in Section 12-4.3 or subdivision (b)(1) of
2 Section 12-3.05, home invasion, or any offense that makes the
3 possession or use of a dangerous weapon either an element of
4 the base offense, an aggravated or enhanced version of the
5 offense, or a mandatory sentencing factor that increases the
6 sentencing range.

7 (b) A person commits armed violence when he or she
8 personally discharges a firearm that is a Category I or
9 Category II weapon while committing any felony defined by
10 Illinois law, except first degree murder, attempted first
11 degree murder, intentional homicide of an unborn child, second
12 degree murder, involuntary manslaughter, reckless homicide,
13 predatory criminal sexual assault of a child, aggravated
14 battery of a child as described in Section 12-4.3 or
15 subdivision (b)(1) of Section 12-3.05, home invasion, or any
16 offense that makes the possession or use of a dangerous weapon
17 either an element of the base offense, an aggravated or
18 enhanced version of the offense, or a mandatory sentencing
19 factor that increases the sentencing range.

20 (c) A person commits armed violence when he or she
21 personally discharges a firearm that is a Category I or
22 Category II weapon that proximately causes great bodily harm,
23 permanent disability, or permanent disfigurement or death to
24 another person while committing any felony defined by Illinois
25 law, except first degree murder, attempted first degree murder,
26 intentional homicide of an unborn child, second degree murder,

1 involuntary manslaughter, reckless homicide, predatory
2 criminal sexual assault of a child, aggravated battery of a
3 child as described in Section 12-4.3 or subdivision (b) (1) of
4 Section 12-3.05, home invasion, or any offense that makes the
5 possession or use of a dangerous weapon either an element of
6 the base offense, an aggravated or enhanced version of the
7 offense, or a mandatory sentencing factor that increases the
8 sentencing range.

9 (d) This Section does not apply to violations of the Fish
10 and Aquatic Life Code or the Wildlife Code.

11 (Source: P.A. 95-688, eff. 10-23-07.)

12 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

13 Sec. 33A-3. Sentence.

14 (a) Violation of Section 33A-2(a) with a Category I weapon
15 is a Class X felony for which the defendant shall be sentenced
16 to a minimum term of imprisonment of 15 years.

17 (a-5) Violation of Section 33A-2(a) with a Category II
18 weapon is a Class X felony for which the defendant shall be
19 sentenced to a minimum term of imprisonment of 10 years.

20 (b) Violation of Section 33A-2(a) with a Category III
21 weapon is a Class 2 felony or the felony classification
22 provided for the same act while unarmed, whichever permits the
23 greater penalty. A second or subsequent violation of Section
24 33A-2(a) with a Category III weapon is a Class 1 felony or the
25 felony classification provided for the same act while unarmed,

1 whichever permits the greater penalty.

2 (b-5) Violation of Section 33A-2(b) with a firearm that is
3 a Category I or Category II weapon is a Class X felony for
4 which the defendant shall be sentenced to a minimum term of
5 imprisonment of 20 years.

6 (b-10) Violation of Section 33A-2(c) with a firearm that is
7 a Category I or Category II weapon is a Class X felony for
8 which the defendant shall be sentenced to a term of
9 imprisonment of not less than 25 years nor more than 40 years.

10 (c) Unless sentencing under subsection (a) of Section
11 5-4.5-95 of the Unified Code of Corrections (730 ILCS
12 5/5-4.5-95) is applicable, any person who violates subsection
13 (a) or (b) of Section 33A-2 with a firearm, when that person
14 has been convicted in any state or federal court of 3 or more
15 of the following offenses: treason, first degree murder, second
16 degree murder, predatory criminal sexual assault of a child,
17 aggravated criminal sexual assault, criminal sexual assault,
18 robbery, burglary, arson, kidnaping, aggravated battery
19 resulting in great bodily harm or permanent disability or
20 disfigurement, a violation of the Methamphetamine Control and
21 Community Protection Act, or a violation of Section 401(a) of
22 the Illinois Controlled Substances Act, when the third offense
23 was committed after conviction on the second, the second
24 offense was committed after conviction on the first, and the
25 violation of Section 33A-2 was committed after conviction on
26 the third, shall be sentenced to a term of imprisonment of not

1 less than 25 years nor more than 50 years.

2 (c-5) Except as otherwise provided in paragraph (b-10) or
3 (c) of this Section, a person who violates Section 33A-2(a)
4 with a firearm that is a Category I weapon or Section 33A-2(b)
5 in any school, in any conveyance owned, leased, or contracted
6 by a school to transport students to or from school or a school
7 related activity, or on the real property comprising any school
8 or public park, and where the offense was related to the
9 activities of an organized gang, shall be sentenced to a term
10 of imprisonment of not less than the term set forth in
11 subsection (a) or (b-5) of this Section, whichever is
12 applicable, and not more than 30 years. For the purposes of
13 this subsection (c-5), "organized gang" has the meaning
14 ascribed to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (d) For armed violence based upon a predicate offense
17 listed in this subsection (d) the court shall enter the
18 sentence for armed violence to run consecutively to the
19 sentence imposed for the predicate offense. The offenses
20 covered by this provision are:

- 21 (i) solicitation of murder,
22 (ii) solicitation of murder for hire,
23 (iii) heinous battery as described in Section 12-4.1 or
24 subdivision (a) (2) of Section 12-3.05,
25 (iv) aggravated battery of a senior citizen as
26 described in Section 12-4.6 or subdivision (a) (4) of

1 Section 12-3.05,

2 (v) (blank),

3 (vi) a violation of subsection (g) of Section 5 of the
4 Cannabis Control Act,

5 (vii) cannabis trafficking,

6 (viii) a violation of subsection (a) of Section 401 of
7 the Illinois Controlled Substances Act,

8 (ix) controlled substance trafficking involving a
9 Class X felony amount of controlled substance under Section
10 401 of the Illinois Controlled Substances Act,

11 (x) calculated criminal drug conspiracy,

12 (xi) streetgang criminal drug conspiracy, or

13 (xii) a violation of the Methamphetamine Control and
14 Community Protection Act.

15 (Source: P.A. 94-556, eff. 9-11-05; 95-688, eff. 10-23-07;
16 95-1052, eff. 7-1-09.)

17 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

18 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
19 with the knowledge and consent of the owner in the commission
20 of, or in the attempt to commit as defined in Section 8-4 of
21 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
22 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
23 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if
24 the theft is of precious metal or of scrap metal, 18-2, 19-1,
25 19-2, 19-3, 20-1, 20-2, ~~20D-15.2,~~ 24-1.2, 24-1.2-5, 24-1.5, or

1 28-1, or 29D-15.2 of this Code, subdivision (a) (1), (a) (2),
2 (a) (4), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), (e) (5),
3 (e) (6), or (e) (7) of Section 12-3.05, paragraph (a) of Section
4 12-4 of this Code, paragraph (a) of Section 12-15 or paragraphs
5 (a), (c) or (d) of Section 12-16 of this Code, or paragraph
6 (a) (6) or (a) (7) of Section 24-1 of this Code; (b) Section 21,
7 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel,
8 vehicle or aircraft contains more than 10 cartons of such
9 cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use Tax
10 Act if the vessel, vehicle or aircraft contains more than 10
11 cartons of such cigarettes; (d) Section 44 of the Environmental
12 Protection Act; (e) 11-204.1 of the Illinois Vehicle Code; (f)
13 the offenses described in the following provisions of the
14 Illinois Vehicle Code: Section 11-501 subdivisions (c-1) (1),
15 (c-1) (2), (c-1) (3), (d) (1) (A), (d) (1) (D), (d) (1) (G), or
16 (d) (1) (H); (g) an offense described in subsection (g) of
17 Section 6-303 of the Illinois Vehicle Code; or (h) an offense
18 described in subsection (e) of Section 6-101 of the Illinois
19 Vehicle Code; may be seized and delivered forthwith to the
20 sheriff of the county of seizure.

21 Within 15 days after such delivery the sheriff shall give
22 notice of seizure to each person according to the following
23 method: Upon each such person whose right, title or interest is
24 of record in the office of the Secretary of State, the
25 Secretary of Transportation, the Administrator of the Federal
26 Aviation Agency, or any other Department of this State, or any

1 other state of the United States if such vessel, vehicle or
2 aircraft is required to be so registered, as the case may be,
3 by mailing a copy of the notice by certified mail to the
4 address as given upon the records of the Secretary of State,
5 the Department of Aeronautics, Department of Public Works and
6 Buildings or any other Department of this State or the United
7 States if such vessel, vehicle or aircraft is required to be so
8 registered. Within that 15 day period the sheriff shall also
9 notify the State's Attorney of the county of seizure about the
10 seizure.

11 In addition, any mobile or portable equipment used in the
12 commission of an act which is in violation of Section 7g of the
13 Metropolitan Water Reclamation District Act shall be subject to
14 seizure and forfeiture under the same procedures provided in
15 this Article for the seizure and forfeiture of vessels,
16 vehicles and aircraft, and any such equipment shall be deemed a
17 vessel, vehicle or aircraft for purposes of this Article.

18 When a person discharges a firearm at another individual
19 from a vehicle with the knowledge and consent of the owner of
20 the vehicle and with the intent to cause death or great bodily
21 harm to that individual and as a result causes death or great
22 bodily harm to that individual, the vehicle shall be subject to
23 seizure and forfeiture under the same procedures provided in
24 this Article for the seizure and forfeiture of vehicles used in
25 violations of clauses (a), (b), (c), or (d) of this Section.

26 If the spouse of the owner of a vehicle seized for an

1 offense described in subsection (g) of Section 6-303 of the
2 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
3 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
4 of the Illinois Vehicle Code, or Section 9-3 of this Code makes
5 a showing that the seized vehicle is the only source of
6 transportation and it is determined that the financial hardship
7 to the family as a result of the seizure outweighs the benefit
8 to the State from the seizure, the vehicle may be forfeited to
9 the spouse or family member and the title to the vehicle shall
10 be transferred to the spouse or family member who is properly
11 licensed and who requires the use of the vehicle for employment
12 or family transportation purposes. A written declaration of
13 forfeiture of a vehicle under this Section shall be sufficient
14 cause for the title to be transferred to the spouse or family
15 member. The provisions of this paragraph shall apply only to
16 one forfeiture per vehicle. If the vehicle is the subject of a
17 subsequent forfeiture proceeding by virtue of a subsequent
18 conviction of either spouse or the family member, the spouse or
19 family member to whom the vehicle was forfeited under the first
20 forfeiture proceeding may not utilize the provisions of this
21 paragraph in another forfeiture proceeding. If the owner of the
22 vehicle seized owns more than one vehicle, the procedure set
23 out in this paragraph may be used for only one vehicle.

24 Property declared contraband under Section 40 of the
25 Illinois Streetgang Terrorism Omnibus Prevention Act may be
26 seized and forfeited under this Article.

1 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10; revised
2 10-9-09.)

3 Section 965. The Code of Criminal Procedure of 1963 is
4 amended by changing Sections 110-5, 110-5.1, 110-6.3, 111-8,
5 112A-3, 112A-23, 112A-26, 115-7.3, 115-10, and 115-10.3 as
6 follows:

7 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

8 Sec. 110-5. Determining the amount of bail and conditions
9 of release.

10 (a) In determining the amount of monetary bail or
11 conditions of release, if any, which will reasonably assure the
12 appearance of a defendant as required or the safety of any
13 other person or the community and the likelihood of compliance
14 by the defendant with all the conditions of bail, the court
15 shall, on the basis of available information, take into account
16 such matters as the nature and circumstances of the offense
17 charged, whether the evidence shows that as part of the offense
18 there was a use of violence or threatened use of violence,
19 whether the offense involved corruption of public officials or
20 employees, whether there was physical harm or threats of
21 physical harm to any public official, public employee, judge,
22 prosecutor, juror or witness, senior citizen, child or
23 handicapped person, whether evidence shows that during the
24 offense or during the arrest the defendant possessed or used a

1 firearm, machine gun, explosive or metal piercing ammunition or
2 explosive bomb device or any military or paramilitary armament,
3 whether the evidence shows that the offense committed was
4 related to or in furtherance of the criminal activities of an
5 organized gang or was motivated by the defendant's membership
6 in or allegiance to an organized gang, the condition of the
7 victim, any written statement submitted by the victim or
8 proffer or representation by the State regarding the impact
9 which the alleged criminal conduct has had on the victim and
10 the victim's concern, if any, with further contact with the
11 defendant if released on bail, whether the offense was based on
12 racial, religious, sexual orientation or ethnic hatred, the
13 likelihood of the filing of a greater charge, the likelihood of
14 conviction, the sentence applicable upon conviction, the
15 weight of the evidence against such defendant, whether there
16 exists motivation or ability to flee, whether there is any
17 verification as to prior residence, education, or family ties
18 in the local jurisdiction, in another county, state or foreign
19 country, the defendant's employment, financial resources,
20 character and mental condition, past conduct, prior use of
21 alias names or dates of birth, and length of residence in the
22 community, the consent of the defendant to periodic drug
23 testing in accordance with Section 110-6.5, whether a foreign
24 national defendant is lawfully admitted in the United States of
25 America, whether the government of the foreign national
26 maintains an extradition treaty with the United States by which

1 the foreign government will extradite to the United States its
2 national for a trial for a crime allegedly committed in the
3 United States, whether the defendant is currently subject to
4 deportation or exclusion under the immigration laws of the
5 United States, whether the defendant, although a United States
6 citizen, is considered under the law of any foreign state a
7 national of that state for the purposes of extradition or
8 non-extradition to the United States, the amount of unrecovered
9 proceeds lost as a result of the alleged offense, the source of
10 bail funds tendered or sought to be tendered for bail, whether
11 from the totality of the court's consideration, the loss of
12 funds posted or sought to be posted for bail will not deter the
13 defendant from flight, whether the evidence shows that the
14 defendant is engaged in significant possession, manufacture,
15 or delivery of a controlled substance or cannabis, either
16 individually or in consort with others, whether at the time of
17 the offense charged he was on bond or pre-trial release pending
18 trial, probation, periodic imprisonment or conditional
19 discharge pursuant to this Code or the comparable Code of any
20 other state or federal jurisdiction, whether the defendant is
21 on bond or pre-trial release pending the imposition or
22 execution of sentence or appeal of sentence for any offense
23 under the laws of Illinois or any other state or federal
24 jurisdiction, whether the defendant is under parole or
25 mandatory supervised release or work release from the Illinois
26 Department of Corrections or any penal institution or

1 corrections department of any state or federal jurisdiction,
2 the defendant's record of convictions, whether the defendant
3 has been convicted of a misdemeanor or ordinance offense in
4 Illinois or similar offense in other state or federal
5 jurisdiction within the 10 years preceding the current charge
6 or convicted of a felony in Illinois, whether the defendant was
7 convicted of an offense in another state or federal
8 jurisdiction that would be a felony if committed in Illinois
9 within the 20 years preceding the current charge or has been
10 convicted of such felony and released from the penitentiary
11 within 20 years preceding the current charge if a penitentiary
12 sentence was imposed in Illinois or other state or federal
13 jurisdiction, the defendant's records of juvenile adjudication
14 of delinquency in any jurisdiction, any record of appearance or
15 failure to appear by the defendant at court proceedings,
16 whether there was flight to avoid arrest or prosecution,
17 whether the defendant escaped or attempted to escape to avoid
18 arrest, whether the defendant refused to identify himself, or
19 whether there was a refusal by the defendant to be
20 fingerprinted as required by law. Information used by the court
21 in its findings or stated in or offered in connection with this
22 Section may be by way of proffer based upon reliable
23 information offered by the State or defendant. All evidence
24 shall be admissible if it is relevant and reliable regardless
25 of whether it would be admissible under the rules of evidence
26 applicable at criminal trials. If the State presents evidence

1 that the offense committed by the defendant was related to or
2 in furtherance of the criminal activities of an organized gang
3 or was motivated by the defendant's membership in or allegiance
4 to an organized gang, and if the court determines that the
5 evidence may be substantiated, the court shall prohibit the
6 defendant from associating with other members of the organized
7 gang as a condition of bail or release. For the purposes of
8 this Section, "organized gang" has the meaning ascribed to it
9 in Section 10 of the Illinois Streetgang Terrorism Omnibus
10 Prevention Act.

11 (b) The amount of bail shall be:

12 (1) Sufficient to assure compliance with the
13 conditions set forth in the bail bond, which shall include
14 the defendant's current address with a written
15 admonishment to the defendant that he or she must comply
16 with the provisions of Section 110-12 regarding any change
17 in his or her address. The defendant's address shall at all
18 times remain a matter of public record with the clerk of
19 the court.

20 (2) Not oppressive.

21 (3) Considerate of the financial ability of the
22 accused.

23 (4) When a person is charged with a drug related
24 offense involving possession or delivery of cannabis or
25 possession or delivery of a controlled substance as defined
26 in the Cannabis Control Act, the Illinois Controlled

1 Substances Act, or the Methamphetamine Control and
2 Community Protection Act, the full street value of the
3 drugs seized shall be considered. "Street value" shall be
4 determined by the court on the basis of a proffer by the
5 State based upon reliable information of a law enforcement
6 official contained in a written report as to the amount
7 seized and such proffer may be used by the court as to the
8 current street value of the smallest unit of the drug
9 seized.

10 (b-5) Upon the filing of a written request demonstrating
11 reasonable cause, the State's Attorney may request a source of
12 bail hearing either before or after the posting of any funds.
13 If the hearing is granted, before the posting of any bail, the
14 accused must file a written notice requesting that the court
15 conduct a source of bail hearing. The notice must be
16 accompanied by justifying affidavits stating the legitimate
17 and lawful source of funds for bail. At the hearing, the court
18 shall inquire into any matters stated in any justifying
19 affidavits, and may also inquire into matters appropriate to
20 the determination which shall include, but are not limited to,
21 the following:

22 (1) the background, character, reputation, and
23 relationship to the accused of any surety; and

24 (2) the source of any money or property deposited by
25 any surety, and whether any such money or property
26 constitutes the fruits of criminal or unlawful conduct; and

1 (3) the source of any money posted as cash bail, and
2 whether any such money constitutes the fruits of criminal
3 or unlawful conduct; and

4 (4) the background, character, reputation, and
5 relationship to the accused of the person posting cash
6 bail.

7 Upon setting the hearing, the court shall examine, under
8 oath, any persons who may possess material information.

9 The State's Attorney has a right to attend the hearing, to
10 call witnesses and to examine any witness in the proceeding.
11 The court shall, upon request of the State's Attorney, continue
12 the proceedings for a reasonable period to allow the State's
13 Attorney to investigate the matter raised in any testimony or
14 affidavit. If the hearing is granted after the accused has
15 posted bail, the court shall conduct a hearing consistent with
16 this subsection (b-5). At the conclusion of the hearing, the
17 court must issue an order either approving or disapproving the
18 bail.

19 (c) When a person is charged with an offense punishable by
20 fine only the amount of the bail shall not exceed double the
21 amount of the maximum penalty.

22 (d) When a person has been convicted of an offense and only
23 a fine has been imposed the amount of the bail shall not exceed
24 double the amount of the fine.

25 (e) The State may appeal any order granting bail or setting
26 a given amount for bail.

1 (f) When a person is charged with a violation of an order
2 of protection under Section 12-3.4 or 12-30 of the Criminal
3 Code of 1961,

4 (1) whether the alleged incident involved harassment
5 or abuse, as defined in the Illinois Domestic Violence Act
6 of 1986;

7 (2) whether the person has a history of domestic
8 violence, as defined in the Illinois Domestic Violence Act,
9 or a history of other criminal acts;

10 (3) based on the mental health of the person;

11 (4) whether the person has a history of violating the
12 orders of any court or governmental entity;

13 (5) whether the person has been, or is, potentially a
14 threat to any other person;

15 (6) whether the person has access to deadly weapons or
16 a history of using deadly weapons;

17 (7) whether the person has a history of abusing alcohol
18 or any controlled substance;

19 (8) based on the severity of the alleged incident that
20 is the basis of the alleged offense, including, but not
21 limited to, the duration of the current incident, and
22 whether the alleged incident involved physical injury,
23 sexual assault, strangulation, abuse during the alleged
24 victim's pregnancy, abuse of pets, or forcible entry to
25 gain access to the alleged victim;

26 (9) whether a separation of the person from the alleged

1 victim or a termination of the relationship between the
2 person and the alleged victim has recently occurred or is
3 pending;

4 (10) whether the person has exhibited obsessive or
5 controlling behaviors toward the alleged victim,
6 including, but not limited to, stalking, surveillance, or
7 isolation of the alleged victim or victim's family member
8 or members;

9 (11) whether the person has expressed suicidal or
10 homicidal ideations;

11 (12) based on any information contained in the
12 complaint and any police reports, affidavits, or other
13 documents accompanying the complaint,

14 the court may, in its discretion, order the respondent to
15 undergo a risk assessment evaluation conducted by an Illinois
16 Department of Human Services approved partner abuse
17 intervention program provider, pretrial service, probation, or
18 parole agency. These agencies shall have access to summaries of
19 the defendant's criminal history, which shall not include
20 victim interviews or information, for the risk evaluation.
21 Based on the information collected from the 12 points to be
22 considered at a bail hearing for a violation of an order of
23 protection, the results of any risk evaluation conducted and
24 the other circumstances of the violation, the court may order
25 that the person, as a condition of bail, be placed under
26 electronic surveillance as provided in Section 5-8A-7 of the

1 Unified Code of Corrections.

2 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

3 (725 ILCS 5/110-5.1)

4 Sec. 110-5.1. Bail; certain persons charged with violent
5 crimes against family or household members.

6 (a) Subject to subsection (c), a person who is charged with
7 a violent crime shall appear before the court for the setting
8 of bail if the alleged victim was a family or household member
9 at the time of the alleged offense, and if any of the following
10 applies:

11 (1) the person charged, at the time of the alleged
12 offense, was subject to the terms of an order of protection
13 issued under Section 112A-14 of this Code or Section 214 of
14 the Illinois Domestic Violence Act of 1986 or previously
15 was convicted of a violation of an order of protection
16 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
17 or a violent crime if the victim was a family or household
18 member at the time of the offense or a violation of a
19 substantially similar municipal ordinance or law of this or
20 any other state or the United States if the victim was a
21 family or household member at the time of the offense;

22 (2) the arresting officer indicates in a police report
23 or other document accompanying the complaint any of the
24 following:

25 (A) that the arresting officer observed on the

1 alleged victim objective manifestations of physical
2 harm that the arresting officer reasonably believes
3 are a result of the alleged offense;

4 (B) that the arresting officer reasonably believes
5 that the person had on the person's person at the time
6 of the alleged offense a deadly weapon;

7 (C) that the arresting officer reasonably believes
8 that the person presents a credible threat of serious
9 physical harm to the alleged victim or to any other
10 person if released on bail before trial.

11 (b) To the extent that information about any of the
12 following is available to the court, the court shall consider
13 all of the following, in addition to any other circumstances
14 considered by the court, before setting bail for a person who
15 appears before the court pursuant to subsection (a):

16 (1) whether the person has a history of domestic
17 violence or a history of other violent acts;

18 (2) the mental health of the person;

19 (3) whether the person has a history of violating the
20 orders of any court or governmental entity;

21 (4) whether the person is potentially a threat to any
22 other person;

23 (5) whether the person has access to deadly weapons or
24 a history of using deadly weapons;

25 (6) whether the person has a history of abusing alcohol
26 or any controlled substance;

1 (7) the severity of the alleged violence that is the
2 basis of the alleged offense, including, but not limited
3 to, the duration of the alleged violent incident, and
4 whether the alleged violent incident involved serious
5 physical injury, sexual assault, strangulation, abuse
6 during the alleged victim's pregnancy, abuse of pets, or
7 forcible entry to gain access to the alleged victim;

8 (8) whether a separation of the person from the alleged
9 victim or a termination of the relationship between the
10 person and the alleged victim has recently occurred or is
11 pending;

12 (9) whether the person has exhibited obsessive or
13 controlling behaviors toward the alleged victim,
14 including, but not limited to, stalking, surveillance, or
15 isolation of the alleged victim;

16 (10) whether the person has expressed suicidal or
17 homicidal ideations;

18 (11) any information contained in the complaint and any
19 police reports, affidavits, or other documents
20 accompanying the complaint.

21 (c) Upon the court's own motion or the motion of a party
22 and upon any terms that the court may direct, a court may
23 permit a person who is required to appear before it by
24 subsection (a) to appear by video conferencing equipment. If,
25 in the opinion of the court, the appearance in person or by
26 video conferencing equipment of a person who is charged with a

1 misdemeanor and who is required to appear before the court by
2 subsection (a) is not practicable, the court may waive the
3 appearance and release the person on bail on one or both of the
4 following types of bail in an amount set by the court:

5 (1) a bail bond secured by a deposit of 10% of the
6 amount of the bond in cash;

7 (2) a surety bond, a bond secured by real estate or
8 securities as allowed by law, or the deposit of cash, at
9 the option of the person.

10 Subsection (a) does not create a right in a person to
11 appear before the court for the setting of bail or prohibit a
12 court from requiring any person charged with a violent crime
13 who is not described in subsection (a) from appearing before
14 the court for the setting of bail.

15 (d) As used in this Section:

16 (1) "Violent crime" has the meaning ascribed to it in
17 Section 3 of the Rights of Crime Victims and Witnesses Act.

18 (2) "Family or household member" has the meaning
19 ascribed to it in Section 112A-3 of this Code.

20 (Source: P.A. 94-878, eff. 1-1-07.)

21 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

22 Sec. 110-6.3. Denial of bail in stalking and aggravated
23 stalking offenses.

24 (a) Upon verified petition by the State, the court shall
25 hold a hearing to determine whether bail should be denied to a

1 defendant who is charged with stalking or aggravated stalking,
2 when it is alleged that the defendant's admission to bail poses
3 a real and present threat to the physical safety of the alleged
4 victim of the offense, and denial of release on bail or
5 personal recognizance is necessary to prevent fulfillment of
6 the threat upon which the charge is based.

7 (1) A petition may be filed without prior notice to the
8 defendant at the first appearance before a judge, or within
9 21 calendar days, except as provided in Section 110-6,
10 after arrest and release of the defendant upon reasonable
11 notice to defendant; provided that while the petition is
12 pending before the court, the defendant if previously
13 released shall not be detained.

14 (2) The hearing shall be held immediately upon the
15 defendant's appearance before the court, unless for good
16 cause shown the defendant or the State seeks a continuance.
17 A continuance on motion of the defendant may not exceed 5
18 calendar days, and the defendant may be held in custody
19 during the continuance. A continuance on the motion of the
20 State may not exceed 3 calendar days; however, the
21 defendant may be held in custody during the continuance
22 under this provision if the defendant has been previously
23 found to have violated an order of protection or has been
24 previously convicted of, or granted court supervision for,
25 any of the offenses set forth in Sections 12-2, 12-3.05,
26 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13,

1 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of
2 1961, against the same person as the alleged victim of the
3 stalking or aggravated stalking offense.

4 (b) The court may deny bail to the defendant when, after
5 the hearing, it is determined that:

6 (1) the proof is evident or the presumption great that
7 the defendant has committed the offense of stalking or
8 aggravated stalking; and

9 (2) the defendant poses a real and present threat to
10 the physical safety of the alleged victim of the offense;
11 and

12 (3) the denial of release on bail or personal
13 recognizance is necessary to prevent fulfillment of the
14 threat upon which the charge is based; and

15 (4) the court finds that no condition or combination of
16 conditions set forth in subsection (b) of Section 110-10 of
17 this Code, including mental health treatment at a community
18 mental health center, hospital, or facility of the
19 Department of Human Services, can reasonably assure the
20 physical safety of the alleged victim of the offense.

21 (c) Conduct of the hearings.

22 (1) The hearing on the defendant's culpability and
23 threat to the alleged victim of the offense shall be
24 conducted in accordance with the following provisions:

25 (A) Information used by the court in its findings
26 or stated in or offered at the hearing may be by way of

1 proffer based upon reliable information offered by the
2 State or by defendant. Defendant has the right to be
3 represented by counsel, and if he is indigent, to have
4 counsel appointed for him. Defendant shall have the
5 opportunity to testify, to present witnesses in his own
6 behalf, and to cross-examine witnesses if any are
7 called by the State. The defendant has the right to
8 present witnesses in his favor. When the ends of
9 justice so require, the court may exercise its
10 discretion and compel the appearance of a complaining
11 witness. The court shall state on the record reasons
12 for granting a defense request to compel the presence
13 of a complaining witness. Cross-examination of a
14 complaining witness at the pretrial detention hearing
15 for the purpose of impeaching the witness' credibility
16 is insufficient reason to compel the presence of the
17 witness. In deciding whether to compel the appearance
18 of a complaining witness, the court shall be
19 considerate of the emotional and physical well-being
20 of the witness. The pretrial detention hearing is not
21 to be used for the purposes of discovery, and the post
22 arraignment rules of discovery do not apply. The State
23 shall tender to the defendant, prior to the hearing,
24 copies of defendant's criminal history, if any, if
25 available, and any written or recorded statements and
26 the substance of any oral statements made by any

1 person, if relied upon by the State. The rules
2 concerning the admissibility of evidence in criminal
3 trials do not apply to the presentation and
4 consideration of information at the hearing. At the
5 trial concerning the offense for which the hearing was
6 conducted neither the finding of the court nor any
7 transcript or other record of the hearing shall be
8 admissible in the State's case in chief, but shall be
9 admissible for impeachment, or as provided in Section
10 115-10.1 of this Code, or in a perjury proceeding.

11 (B) A motion by the defendant to suppress evidence
12 or to suppress a confession shall not be entertained.
13 Evidence that proof may have been obtained as the
14 result of an unlawful search and seizure or through
15 improper interrogation is not relevant to this state of
16 the prosecution.

17 (2) The facts relied upon by the court to support a
18 finding that:

19 (A) the defendant poses a real and present threat
20 to the physical safety of the alleged victim of the
21 offense; and

22 (B) the denial of release on bail or personal
23 recognizance is necessary to prevent fulfillment of
24 the threat upon which the charge is based;

25 shall be supported by clear and convincing evidence
26 presented by the State.

1 (d) Factors to be considered in making a determination of
2 the threat to the alleged victim of the offense. The court may,
3 in determining whether the defendant poses, at the time of the
4 hearing, a real and present threat to the physical safety of
5 the alleged victim of the offense, consider but shall not be
6 limited to evidence or testimony concerning:

7 (1) The nature and circumstances of the offense
8 charged;

9 (2) The history and characteristics of the defendant
10 including:

11 (A) Any evidence of the defendant's prior criminal
12 history indicative of violent, abusive or assaultive
13 behavior, or lack of that behavior. The evidence may
14 include testimony or documents received in juvenile
15 proceedings, criminal, quasi-criminal, civil
16 commitment, domestic relations or other proceedings;

17 (B) Any evidence of the defendant's psychological,
18 psychiatric or other similar social history that tends
19 to indicate a violent, abusive, or assaultive nature,
20 or lack of any such history.

21 (3) The nature of the threat which is the basis of the
22 charge against the defendant;

23 (4) Any statements made by, or attributed to the
24 defendant, together with the circumstances surrounding
25 them;

26 (5) The age and physical condition of any person

1 assaulted by the defendant;

2 (6) Whether the defendant is known to possess or have
3 access to any weapon or weapons;

4 (7) Whether, at the time of the current offense or any
5 other offense or arrest, the defendant was on probation,
6 parole, mandatory supervised release or other release from
7 custody pending trial, sentencing, appeal or completion of
8 sentence for an offense under federal or state law;

9 (8) Any other factors, including those listed in
10 Section 110-5 of this Code, deemed by the court to have a
11 reasonable bearing upon the defendant's propensity or
12 reputation for violent, abusive or assaultive behavior, or
13 lack of that behavior.

14 (e) The court shall, in any order denying bail to a person
15 charged with stalking or aggravated stalking:

16 (1) briefly summarize the evidence of the defendant's
17 culpability and its reasons for concluding that the
18 defendant should be held without bail;

19 (2) direct that the defendant be committed to the
20 custody of the sheriff for confinement in the county jail
21 pending trial;

22 (3) direct that the defendant be given a reasonable
23 opportunity for private consultation with counsel, and for
24 communication with others of his choice by visitation, mail
25 and telephone; and

26 (4) direct that the sheriff deliver the defendant as

1 required for appearances in connection with court
2 proceedings.

3 (f) If the court enters an order for the detention of the
4 defendant under subsection (e) of this Section, the defendant
5 shall be brought to trial on the offense for which he is
6 detained within 90 days after the date on which the order for
7 detention was entered. If the defendant is not brought to trial
8 within the 90 day period required by this subsection (f), he
9 shall not be held longer without bail. In computing the 90 day
10 period, the court shall omit any period of delay resulting from
11 a continuance granted at the request of the defendant. The
12 court shall immediately notify the alleged victim of the
13 offense that the defendant has been admitted to bail under this
14 subsection.

15 (g) Any person shall be entitled to appeal any order
16 entered under this Section denying bail to the defendant.

17 (h) The State may appeal any order entered under this
18 Section denying any motion for denial of bail.

19 (i) Nothing in this Section shall be construed as modifying
20 or limiting in any way the defendant's presumption of innocence
21 in further criminal proceedings.

22 (Source: P.A. 90-14, eff. 7-1-97; 91-445, eff. 1-1-00.)

23 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

24 Sec. 111-8. Orders of protection to prohibit domestic
25 violence.

1 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
2 10-3.1, 10-4, 10-5, 11-15, 11-15.1, 11-20.1, 11-20a, 12-1,
3 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
4 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
5 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2,
6 or 21-3 of the Criminal Code of 1961 or Section 1-1 of the
7 Harassing and Obscene Communications Act is alleged in an
8 information, complaint or indictment on file, and the alleged
9 offender and victim are family or household members, as defined
10 in the Illinois Domestic Violence Act, as now or hereafter
11 amended, the People through the respective State's Attorneys
12 may by separate petition and upon notice to the defendant,
13 except as provided in subsection (c) herein, request the court
14 to issue an order of protection.

15 (b) In addition to any other remedies specified in Section
16 208 of the Illinois Domestic Violence Act, as now or hereafter
17 amended, the order may direct the defendant to initiate no
18 contact with the alleged victim or victims who are family or
19 household members and to refrain from entering the residence,
20 school or place of business of the alleged victim or victims.

21 (c) The court may grant emergency relief without notice
22 upon a showing of immediate and present danger of abuse to the
23 victim or minor children of the victim and may enter a
24 temporary order pending notice and full hearing on the matter.

25 (Source: P.A. 94-325, eff. 1-1-06.)

1 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

2 Sec. 112A-3. Definitions. For the purposes of this Article,
3 the following terms shall have the following meanings:

4 (1) "Abuse" means physical abuse, harassment, intimidation
5 of a dependent, interference with personal liberty or willful
6 deprivation but does not include reasonable direction of a
7 minor child by a parent or person in loco parentis.

8 (2) "Domestic violence" means abuse as described in
9 paragraph (1).

10 (3) "Family or household members" include spouses, former
11 spouses, parents, children, stepchildren and other persons
12 related by blood or by present or prior marriage, persons who
13 share or formerly shared a common dwelling, persons who have or
14 allegedly have a child in common, persons who share or
15 allegedly share a blood relationship through a child, persons
16 who have or have had a dating or engagement relationship,
17 persons with disabilities and their personal assistants, and
18 caregivers as defined in paragraph (3) of subsection (b) of
19 Section 12-21 or in subsection (e) of Section 12-4.4a of the
20 Criminal Code of 1961. For purposes of this paragraph, neither
21 a casual acquaintanceship nor ordinary fraternization between
22 2 individuals in business or social contexts shall be deemed to
23 constitute a dating relationship.

24 (4) "Harassment" means knowing conduct which is not
25 necessary to accomplish a purpose which is reasonable under the
26 circumstances; would cause a reasonable person emotional

1 distress; and does cause emotional distress to the petitioner.
2 Unless the presumption is rebutted by a preponderance of the
3 evidence, the following types of conduct shall be presumed to
4 cause emotional distress:

5 (i) creating a disturbance at petitioner's place of
6 employment or school;

7 (ii) repeatedly telephoning petitioner's place of
8 employment, home or residence;

9 (iii) repeatedly following petitioner about in a
10 public place or places;

11 (iv) repeatedly keeping petitioner under surveillance
12 by remaining present outside his or her home, school, place
13 of employment, vehicle or other place occupied by
14 petitioner or by peering in petitioner's windows;

15 (v) improperly concealing a minor child from
16 petitioner, repeatedly threatening to improperly remove a
17 minor child of petitioner's from the jurisdiction or from
18 the physical care of petitioner, repeatedly threatening to
19 conceal a minor child from petitioner, or making a single
20 such threat following an actual or attempted improper
21 removal or concealment, unless respondent was fleeing from
22 an incident or pattern of domestic violence; or

23 (vi) threatening physical force, confinement or
24 restraint on one or more occasions.

25 (5) "Interference with personal liberty" means committing
26 or threatening physical abuse, harassment, intimidation or

1 willful deprivation so as to compel another to engage in
2 conduct from which she or he has a right to abstain or to
3 refrain from conduct in which she or he has a right to engage.

4 (6) "Intimidation of a dependent" means subjecting a person
5 who is dependent because of age, health or disability to
6 participation in or the witnessing of: physical force against
7 another or physical confinement or restraint of another which
8 constitutes physical abuse as defined in this Article,
9 regardless of whether the abused person is a family or
10 household member.

11 (7) "Order of protection" means an emergency order, interim
12 order or plenary order, granted pursuant to this Article, which
13 includes any or all of the remedies authorized by Section
14 112A-14 of this Code.

15 (8) "Petitioner" may mean not only any named petitioner for
16 the order of protection and any named victim of abuse on whose
17 behalf the petition is brought, but also any other person
18 protected by this Article.

19 (9) "Physical abuse" includes sexual abuse and means any of
20 the following:

21 (i) knowing or reckless use of physical force,
22 confinement or restraint;

23 (ii) knowing, repeated and unnecessary sleep
24 deprivation; or

25 (iii) knowing or reckless conduct which creates an
26 immediate risk of physical harm.

1 (9.5) "Stay away" means for the respondent to refrain from
2 both physical presence and nonphysical contact with the
3 petitioner whether direct, indirect (including, but not
4 limited to, telephone calls, mail, email, faxes, and written
5 notes), or through third parties who may or may not know about
6 the order of protection.

7 (10) "Willful deprivation" means wilfully denying a person
8 who because of age, health or disability requires medication,
9 medical care, shelter, accessible shelter or services, food,
10 therapeutic device, or other physical assistance, and thereby
11 exposing that person to the risk of physical, mental or
12 emotional harm, except with regard to medical care and
13 treatment when such dependent person has expressed the intent
14 to forgo such medical care or treatment. This paragraph does
15 not create any new affirmative duty to provide support to
16 dependent persons.

17 (Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

18 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

19 Sec. 112A-23. Enforcement of orders of protection.

20 (a) When violation is crime. A violation of any order of
21 protection, whether issued in a civil, quasi-criminal
22 proceeding, shall be enforced by a criminal court when:

23 (1) The respondent commits the crime of violation of an
24 order of protection pursuant to Section 12-3.4 or 12-30 of
25 the Criminal Code of 1961, by having knowingly violated:

1 (i) remedies described in paragraphs (1), (2),
2 (3), (14), or (14.5) of subsection (b) of Section
3 112A-14,

4 (ii) a remedy, which is substantially similar to
5 the remedies authorized under paragraphs (1), (2),
6 (3), (14) or (14.5) of subsection (b) of Section 214 of
7 the Illinois Domestic Violence Act of 1986, in a valid
8 order of protection, which is authorized under the laws
9 of another state, tribe or United States territory,

10 (iii) or any other remedy when the act constitutes
11 a crime against the protected parties as defined by the
12 Criminal Code of 1961.

13 Prosecution for a violation of an order of protection shall
14 not bar concurrent prosecution for any other crime, including
15 any crime that may have been committed at the time of the
16 violation of the order of protection; or

17 (2) The respondent commits the crime of child abduction
18 pursuant to Section 10-5 of the Criminal Code of 1961, by
19 having knowingly violated:

20 (i) remedies described in paragraphs (5), (6) or
21 (8) of subsection (b) of Section 112A-14, or

22 (ii) a remedy, which is substantially similar to
23 the remedies authorized under paragraphs (1), (5),
24 (6), or (8) of subsection (b) of Section 214 of the
25 Illinois Domestic Violence Act of 1986, in a valid
26 order of protection, which is authorized under the laws

1 of another state, tribe or United States territory.

2 (b) When violation is contempt of court. A violation of any
3 valid order of protection, whether issued in a civil or
4 criminal proceeding, may be enforced through civil or criminal
5 contempt procedures, as appropriate, by any court with
6 jurisdiction, regardless where the act or acts which violated
7 the order of protection were committed, to the extent
8 consistent with the venue provisions of this Article. Nothing
9 in this Article shall preclude any Illinois court from
10 enforcing any valid order of protection issued in another
11 state. Illinois courts may enforce orders of protection through
12 both criminal prosecution and contempt proceedings, unless the
13 action which is second in time is barred by collateral estoppel
14 or the constitutional prohibition against double jeopardy.

15 (1) In a contempt proceeding where the petition for a
16 rule to show cause sets forth facts evidencing an immediate
17 danger that the respondent will flee the jurisdiction,
18 conceal a child, or inflict physical abuse on the
19 petitioner or minor children or on dependent adults in
20 petitioner's care, the court may order the attachment of
21 the respondent without prior service of the rule to show
22 cause or the petition for a rule to show cause. Bond shall
23 be set unless specifically denied in writing.

24 (2) A petition for a rule to show cause for violation
25 of an order of protection shall be treated as an expedited
26 proceeding.

1 (c) Violation of custody or support orders. A violation of
2 remedies described in paragraphs (5), (6), (8), or (9) of
3 subsection (b) of Section 112A-14 may be enforced by any remedy
4 provided by Section 611 of the Illinois Marriage and
5 Dissolution of Marriage Act. The court may enforce any order
6 for support issued under paragraph (12) of subsection (b) of
7 Section 112A-14 in the manner provided for under Parts V and
8 VII of the Illinois Marriage and Dissolution of Marriage Act.

9 (d) Actual knowledge. An order of protection may be
10 enforced pursuant to this Section if the respondent violates
11 the order after respondent has actual knowledge of its contents
12 as shown through one of the following means:

13 (1) By service, delivery, or notice under Section
14 112A-10.

15 (2) By notice under Section 112A-11.

16 (3) By service of an order of protection under Section
17 112A-22.

18 (4) By other means demonstrating actual knowledge of
19 the contents of the order.

20 (e) The enforcement of an order of protection in civil or
21 criminal court shall not be affected by either of the
22 following:

23 (1) The existence of a separate, correlative order
24 entered under Section 112A-15.

25 (2) Any finding or order entered in a conjoined
26 criminal proceeding.

1 (f) Circumstances. The court, when determining whether or
2 not a violation of an order of protection has occurred, shall
3 not require physical manifestations of abuse on the person of
4 the victim.

5 (g) Penalties.

6 (1) Except as provided in paragraph (3) of this
7 subsection, where the court finds the commission of a crime
8 or contempt of court under subsections (a) or (b) of this
9 Section, the penalty shall be the penalty that generally
10 applies in such criminal or contempt proceedings, and may
11 include one or more of the following: incarceration,
12 payment of restitution, a fine, payment of attorneys' fees
13 and costs, or community service.

14 (2) The court shall hear and take into account evidence
15 of any factors in aggravation or mitigation before deciding
16 an appropriate penalty under paragraph (1) of this
17 subsection.

18 (3) To the extent permitted by law, the court is
19 encouraged to:

20 (i) increase the penalty for the knowing violation
21 of any order of protection over any penalty previously
22 imposed by any court for respondent's violation of any
23 order of protection or penal statute involving
24 petitioner as victim and respondent as defendant;

25 (ii) impose a minimum penalty of 24 hours
26 imprisonment for respondent's first violation of any

1 order of protection; and

2 (iii) impose a minimum penalty of 48 hours
3 imprisonment for respondent's second or subsequent
4 violation of an order of protection

5 unless the court explicitly finds that an increased penalty
6 or that period of imprisonment would be manifestly unjust.

7 (4) In addition to any other penalties imposed for a
8 violation of an order of protection, a criminal court may
9 consider evidence of any violations of an order of
10 protection:

11 (i) to increase, revoke or modify the bail bond on
12 an underlying criminal charge pursuant to Section
13 110-6;

14 (ii) to revoke or modify an order of probation,
15 conditional discharge or supervision, pursuant to
16 Section 5-6-4 of the Unified Code of Corrections;

17 (iii) to revoke or modify a sentence of periodic
18 imprisonment, pursuant to Section 5-7-2 of the Unified
19 Code of Corrections.

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

22 Sec. 112A-26. Arrest without warrant.

23 (a) Any law enforcement officer may make an arrest without
24 warrant if the officer has probable cause to believe that the
25 person has committed or is committing any crime, including but

1 not limited to violation of an order of protection, under
2 Section 12-3.4 or 12-30 of the Criminal Code of 1961, even if
3 the crime was not committed in the presence of the officer.

4 (b) The law enforcement officer may verify the existence of
5 an order of protection by telephone or radio communication with
6 his or her law enforcement agency or by referring to the copy
7 of the order provided by petitioner or respondent.

8 (Source: P.A. 87-1186.)

9 (725 ILCS 5/115-7.3)

10 Sec. 115-7.3. Evidence in certain cases.

11 (a) This Section applies to criminal cases in which:

12 (1) the defendant is accused of predatory criminal
13 sexual assault of a child, aggravated criminal sexual
14 assault, criminal sexual assault, aggravated criminal
15 sexual abuse, criminal sexual abuse, child pornography,
16 aggravated child pornography, or criminal transmission of
17 HIV;

18 (2) the defendant is accused of battery, aggravated
19 battery, first degree murder, or second degree murder when
20 the commission of the offense involves sexual penetration
21 or sexual conduct as defined in Section 12-12 of the
22 Criminal Code of 1961; or

23 (3) the defendant is tried or retried for any of the
24 offenses formerly known as rape, deviate sexual assault,
25 indecent liberties with a child, or aggravated indecent

1 liberties with a child.

2 (b) If the defendant is accused of an offense set forth in
3 paragraph (1) or (2) of subsection (a) or the defendant is
4 tried or retried for any of the offenses set forth in paragraph
5 (3) of subsection (a), evidence of the defendant's commission
6 of another offense or offenses set forth in paragraph (1), (2),
7 or (3) of subsection (a), or evidence to rebut that proof or an
8 inference from that proof, may be admissible (if that evidence
9 is otherwise admissible under the rules of evidence) and may be
10 considered for its bearing on any matter to which it is
11 relevant.

12 (c) In weighing the probative value of the evidence against
13 undue prejudice to the defendant, the court may consider:

14 (1) the proximity in time to the charged or predicate
15 offense;

16 (2) the degree of factual similarity to the charged or
17 predicate offense; or

18 (3) other relevant facts and circumstances.

19 (d) In a criminal case in which the prosecution intends to
20 offer evidence under this Section, it must disclose the
21 evidence, including statements of witnesses or a summary of the
22 substance of any testimony, at a reasonable time in advance of
23 trial, or during trial if the court excuses pretrial notice on
24 good cause shown.

25 (e) In a criminal case in which evidence is offered under
26 this Section, proof may be made by specific instances of

1 conduct, testimony as to reputation, or testimony in the form
2 of an expert opinion, except that the prosecution may offer
3 reputation testimony only after the opposing party has offered
4 that testimony.

5 (f) In prosecutions for a violation of Section 10-2,
6 12-3.05, 12-4, 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of
7 the Criminal Code of 1961, involving the involuntary delivery
8 of a controlled substance to a victim, no inference may be made
9 about the fact that a victim did not consent to a test for the
10 presence of controlled substances.

11 (Source: P.A. 95-892, eff. 1-1-09.)

12 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

13 Sec. 115-10. Certain hearsay exceptions.

14 (a) In a prosecution for a physical or sexual act
15 perpetrated upon or against a child under the age of 13, or a
16 person who was a moderately, severely, or profoundly mentally
17 retarded person as defined in this Code and in Section 2-10.1
18 of the Criminal Code of 1961 at the time the act was committed,
19 including but not limited to prosecutions for violations of
20 Sections 12-13 through 12-16 of the Criminal Code of 1961 and
21 prosecutions for violations of Sections 10-1 (kidnapping),
22 10-2 (aggravated kidnapping), 10-3 (unlawful restraint),
23 10-3.1 (aggravated unlawful restraint), 10-4 (forcible
24 detention), 10-5 (child abduction), 10-6 (harboring a
25 runaway), 10-7 (aiding or abetting child abduction), 11-9

1 (public indecency), 11-11 (sexual relations within families),
2 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated
3 assault), 12-3 (battery), 12-3.2 (domestic battery), 12-3.3
4 (aggravated domestic battery), 12-3.05 or 12-4 (aggravated
5 battery), 12-4.1 (heinous battery), 12-4.2 (aggravated battery
6 with a firearm), 12-4.3 (aggravated battery of a child), 12-4.7
7 (drug induced infliction of great bodily harm), 12-5 (reckless
8 conduct), 12-6 (intimidation), 12-6.1 or 12-6.5 (compelling
9 organization membership of persons), 12-7.1 (hate crime),
10 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-10
11 (tattooing body of minor), 12-11 (home invasion), 12-21.5
12 (child abandonment), 12-21.6 (endangering the life or health of
13 a child) or 12-32 (ritual mutilation) of the Criminal Code of
14 1961 or any sex offense as defined in subsection (B) of Section
15 2 of the Sex Offender Registration Act, the following evidence
16 shall be admitted as an exception to the hearsay rule:

17 (1) testimony by the victim of an out of court
18 statement made by the victim that he or she complained of
19 such act to another; and

20 (2) testimony of an out of court statement made by the
21 victim describing any complaint of such act or matter or
22 detail pertaining to any act which is an element of an
23 offense which is the subject of a prosecution for a sexual
24 or physical act against that victim.

25 (b) Such testimony shall only be admitted if:

26 (1) The court finds in a hearing conducted outside the

1 presence of the jury that the time, content, and
2 circumstances of the statement provide sufficient
3 safeguards of reliability; and

4 (2) The child or moderately, severely, or profoundly
5 mentally retarded person either:

6 (A) testifies at the proceeding; or

7 (B) is unavailable as a witness and there is
8 corroborative evidence of the act which is the subject
9 of the statement; and

10 (3) In a case involving an offense perpetrated against
11 a child under the age of 13, the out of court statement was
12 made before the victim attained 13 years of age or within 3
13 months after the commission of the offense, whichever
14 occurs later, but the statement may be admitted regardless
15 of the age of the victim at the time of the proceeding.

16 (c) If a statement is admitted pursuant to this Section,
17 the court shall instruct the jury that it is for the jury to
18 determine the weight and credibility to be given the statement
19 and that, in making the determination, it shall consider the
20 age and maturity of the child, or the intellectual capabilities
21 of the moderately, severely, or profoundly mentally retarded
22 person, the nature of the statement, the circumstances under
23 which the statement was made, and any other relevant factor.

24 (d) The proponent of the statement shall give the adverse
25 party reasonable notice of his intention to offer the statement
26 and the particulars of the statement.

1 (e) Statements described in paragraphs (1) and (2) of
2 subsection (a) shall not be excluded on the basis that they
3 were obtained as a result of interviews conducted pursuant to a
4 protocol adopted by a Child Advocacy Advisory Board as set
5 forth in subsections (c), (d), and (e) of Section 3 of the
6 Children's Advocacy Center Act or that an interviewer or
7 witness to the interview was or is an employee, agent, or
8 investigator of a State's Attorney's office.

9 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10.)

10 (725 ILCS 5/115-10.3)

11 Sec. 115-10.3. Hearsay exception regarding elder adults.

12 (a) In a prosecution for a physical act, abuse, neglect, or
13 financial exploitation perpetrated upon or against an eligible
14 adult, as defined in the Elder Abuse and Neglect Act, who has
15 been diagnosed by a physician to suffer from (i) any form of
16 dementia, developmental disability, or other form of mental
17 incapacity or (ii) any physical infirmity, including but not
18 limited to prosecutions for violations of Sections 10-1, 10-2,
19 10-3, 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2,
20 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5,
21 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15,
22 12-16, 12-21, 16-1, 16-1.3, 17-1, 17-3, 18-1, 18-2, 18-3, 18-4,
23 18-5, 20-1.1, 24-1.2, and 33A-2, or subsection (b) of Section
24 12-4.4a, of the Criminal Code of 1961, the following evidence
25 shall be admitted as an exception to the hearsay rule:

1 (1) testimony by an eligible adult, of an out of court
2 statement made by the eligible adult, that he or she
3 complained of such act to another; and

4 (2) testimony of an out of court statement made by the
5 eligible adult, describing any complaint of such act or
6 matter or detail pertaining to any act which is an element
7 of an offense which is the subject of a prosecution for a
8 physical act, abuse, neglect, or financial exploitation
9 perpetrated upon or against the eligible adult.

10 (b) Such testimony shall only be admitted if:

11 (1) The court finds in a hearing conducted outside the
12 presence of the jury that the time, content, and
13 circumstances of the statement provide sufficient
14 safeguards of reliability; and

15 (2) The eligible adult either:

16 (A) testifies at the proceeding; or

17 (B) is unavailable as a witness and there is
18 corroborative evidence of the act which is the subject
19 of the statement.

20 (c) If a statement is admitted pursuant to this Section,
21 the court shall instruct the jury that it is for the jury to
22 determine the weight and credibility to be given the statement
23 and that, in making the determination, it shall consider the
24 condition of the eligible adult, the nature of the statement,
25 the circumstances under which the statement was made, and any
26 other relevant factor.

1 (d) The proponent of the statement shall give the adverse
2 party reasonable notice of his or her intention to offer the
3 statement and the particulars of the statement.

4 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

5 Section 970. The Unified Code of Corrections is amended by
6 changing Sections 3-6-3, 5-3-2, 5-5-3, 5-5-3.2, 5-8-4, 5-8A-2,
7 and 5-9-1.16 as follows:

8 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

9 Sec. 3-6-3. Rules and Regulations for Early Release.

10 (a) (1) The Department of Corrections shall prescribe
11 rules and regulations for the early release on account of
12 good conduct of persons committed to the Department which
13 shall be subject to review by the Prisoner Review Board.

14 (2) The rules and regulations on early release shall
15 provide, with respect to offenses listed in clause (i),
16 (ii), or (iii) of this paragraph (2) committed on or after
17 June 19, 1998 or with respect to the offense listed in
18 clause (iv) of this paragraph (2) committed on or after
19 June 23, 2005 (the effective date of Public Act 94-71) or
20 with respect to offense listed in clause (vi) committed on
21 or after June 1, 2008 (the effective date of Public Act
22 95-625) or with respect to the offense of being an armed
23 habitual criminal committed on or after August 2, 2005 (the
24 effective date of Public Act 94-398) or with respect to the

1 offenses listed in clause (v) of this paragraph (2)
2 committed on or after August 13, 2007 (the effective date
3 of Public Act 95-134), the following:

4 (i) that a prisoner who is serving a term of
5 imprisonment for first degree murder or for the offense
6 of terrorism shall receive no good conduct credit and
7 shall serve the entire sentence imposed by the court;

8 (ii) that a prisoner serving a sentence for attempt
9 to commit first degree murder, solicitation of murder,
10 solicitation of murder for hire, intentional homicide
11 of an unborn child, predatory criminal sexual assault
12 of a child, aggravated criminal sexual assault,
13 criminal sexual assault, aggravated kidnapping,
14 aggravated battery with a firearm as described in
15 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
16 or (e) (4) of Section 12-3.05, heinous battery as
17 described in Section 12-4.1 or subdivision (a) (2) of
18 Section 12-3.05, being an armed habitual criminal,
19 aggravated battery of a senior citizen as described in
20 Section 12-4.6 or subdivision (a) (4) of Section
21 12-3.05, or aggravated battery of a child as described
22 in Section 12-4.3 or subdivision (b) (1) of Section
23 12-3.05 shall receive no more than 4.5 days of good
24 conduct credit for each month of his or her sentence of
25 imprisonment;

26 (iii) that a prisoner serving a sentence for home

1 invasion, armed robbery, aggravated vehicular
2 hijacking, aggravated discharge of a firearm, or armed
3 violence with a category I weapon or category II
4 weapon, when the court has made and entered a finding,
5 pursuant to subsection (c-1) of Section 5-4-1 of this
6 Code, that the conduct leading to conviction for the
7 enumerated offense resulted in great bodily harm to a
8 victim, shall receive no more than 4.5 days of good
9 conduct credit for each month of his or her sentence of
10 imprisonment;

11 (iv) that a prisoner serving a sentence for
12 aggravated discharge of a firearm, whether or not the
13 conduct leading to conviction for the offense resulted
14 in great bodily harm to the victim, shall receive no
15 more than 4.5 days of good conduct credit for each
16 month of his or her sentence of imprisonment;

17 (v) that a person serving a sentence for
18 gunrunning, narcotics racketeering, controlled
19 substance trafficking, methamphetamine trafficking,
20 drug-induced homicide, aggravated
21 methamphetamine-related child endangerment, money
22 laundering pursuant to clause (c) (4) or (5) of Section
23 29B-1 of the Criminal Code of 1961, or a Class X felony
24 conviction for delivery of a controlled substance,
25 possession of a controlled substance with intent to
26 manufacture or deliver, calculated criminal drug

1 conspiracy, criminal drug conspiracy, street gang
2 criminal drug conspiracy, participation in
3 methamphetamine manufacturing, aggravated
4 participation in methamphetamine manufacturing,
5 delivery of methamphetamine, possession with intent to
6 deliver methamphetamine, aggravated delivery of
7 methamphetamine, aggravated possession with intent to
8 deliver methamphetamine, methamphetamine conspiracy
9 when the substance containing the controlled substance
10 or methamphetamine is 100 grams or more shall receive
11 no more than 7.5 days good conduct credit for each
12 month of his or her sentence of imprisonment; and

13 (vi) that a prisoner serving a sentence for a
14 second or subsequent offense of luring a minor shall
15 receive no more than 4.5 days of good conduct credit
16 for each month of his or her sentence of imprisonment.

17 (2.1) For all offenses, other than those enumerated in
18 subdivision (a)(2)(i), (ii), or (iii) committed on or after
19 June 19, 1998 or subdivision (a)(2)(iv) committed on or
20 after June 23, 2005 (the effective date of Public Act
21 94-71) or subdivision (a)(2)(v) committed on or after
22 August 13, 2007 (the effective date of Public Act 95-134)
23 or subdivision (a)(2)(vi) committed on or after June 1,
24 2008 (the effective date of Public Act 95-625), and other
25 than the offense of reckless homicide as defined in
26 subsection (e) of Section 9-3 of the Criminal Code of 1961

1 committed on or after January 1, 1999, or aggravated
2 driving under the influence of alcohol, other drug or
3 drugs, or intoxicating compound or compounds, or any
4 combination thereof as defined in subparagraph (F) of
5 paragraph (1) of subsection (d) of Section 11-501 of the
6 Illinois Vehicle Code, the rules and regulations shall
7 provide that a prisoner who is serving a term of
8 imprisonment shall receive one day of good conduct credit
9 for each day of his or her sentence of imprisonment or
10 recommitment under Section 3-3-9. Each day of good conduct
11 credit shall reduce by one day the prisoner's period of
12 imprisonment or recommitment under Section 3-3-9.

13 (2.2) A prisoner serving a term of natural life
14 imprisonment or a prisoner who has been sentenced to death
15 shall receive no good conduct credit.

16 (2.3) The rules and regulations on early release shall
17 provide that a prisoner who is serving a sentence for
18 reckless homicide as defined in subsection (e) of Section
19 9-3 of the Criminal Code of 1961 committed on or after
20 January 1, 1999, or aggravated driving under the influence
21 of alcohol, other drug or drugs, or intoxicating compound
22 or compounds, or any combination thereof as defined in
23 subparagraph (F) of paragraph (1) of subsection (d) of
24 Section 11-501 of the Illinois Vehicle Code, shall receive
25 no more than 4.5 days of good conduct credit for each month
26 of his or her sentence of imprisonment.

1 (2.4) The rules and regulations on early release shall
2 provide with respect to the offenses of aggravated battery
3 with a machine gun or a firearm equipped with any device or
4 attachment designed or used for silencing the report of a
5 firearm or aggravated discharge of a machine gun or a
6 firearm equipped with any device or attachment designed or
7 used for silencing the report of a firearm, committed on or
8 after July 15, 1999 (the effective date of Public Act
9 91-121), that a prisoner serving a sentence for any of
10 these offenses shall receive no more than 4.5 days of good
11 conduct credit for each month of his or her sentence of
12 imprisonment.

13 (2.5) The rules and regulations on early release shall
14 provide that a prisoner who is serving a sentence for
15 aggravated arson committed on or after July 27, 2001 (the
16 effective date of Public Act 92-176) shall receive no more
17 than 4.5 days of good conduct credit for each month of his
18 or her sentence of imprisonment.

19 (3) The rules and regulations shall also provide that
20 the Director may award up to 180 days additional good
21 conduct credit for meritorious service in specific
22 instances as the Director deems proper; except that no more
23 than 90 days of good conduct credit for meritorious service
24 shall be awarded to any prisoner who is serving a sentence
25 for conviction of first degree murder, reckless homicide
26 while under the influence of alcohol or any other drug, or

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof as defined in subparagraph (F) of
4 paragraph (1) of subsection (d) of Section 11-501 of the
5 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
6 predatory criminal sexual assault of a child, aggravated
7 criminal sexual assault, criminal sexual assault, deviate
8 sexual assault, aggravated criminal sexual abuse,
9 aggravated indecent liberties with a child, indecent
10 liberties with a child, child pornography, heinous battery
11 as described in Section 12-4.1 or subdivision (a)(2) of
12 Section 12-3.05, aggravated battery of a spouse,
13 aggravated battery of a spouse with a firearm, stalking,
14 aggravated stalking, aggravated battery of a child as
15 described in Section 12-4.3 or subdivision (b)(1) of
16 Section 12-3.05, endangering the life or health of a child,
17 or cruelty to a child. Notwithstanding the foregoing, good
18 conduct credit for meritorious service shall not be awarded
19 on a sentence of imprisonment imposed for conviction of:
20 (i) one of the offenses enumerated in subdivision
21 (a)(2)(i), (ii), or (iii) when the offense is committed on
22 or after June 19, 1998 or subdivision (a)(2)(iv) when the
23 offense is committed on or after June 23, 2005 (the
24 effective date of Public Act 94-71) or subdivision
25 (a)(2)(v) when the offense is committed on or after August
26 13, 2007 (the effective date of Public Act 95-134) or

1 subdivision (a) (2) (vi) when the offense is committed on or
2 after June 1, 2008 (the effective date of Public Act
3 95-625), (ii) reckless homicide as defined in subsection
4 (e) of Section 9-3 of the Criminal Code of 1961 when the
5 offense is committed on or after January 1, 1999, or
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, (iii) one of the offenses enumerated
11 in subdivision (a) (2.4) when the offense is committed on or
12 after July 15, 1999 (the effective date of Public Act
13 91-121), or (iv) aggravated arson when the offense is
14 committed on or after July 27, 2001 (the effective date of
15 Public Act 92-176).

16 The Director shall not award good conduct credit for
17 meritorious service under this paragraph (3) to an inmate
18 unless the inmate has served a minimum of 60 days of the
19 sentence; except nothing in this paragraph shall be
20 construed to permit the Director to extend an inmate's
21 sentence beyond that which was imposed by the court. Prior
22 to awarding credit under this paragraph (3), the Director
23 shall make a written determination that the inmate:

24 (A) is eligible for good conduct credit for
25 meritorious service;

26 (B) has served a minimum of 60 days, or as close to

1 60 days as the sentence will allow; and

2 (C) has met the eligibility criteria established
3 by rule.

4 The Director shall determine the form and content of
5 the written determination required in this subsection.

6 (4) The rules and regulations shall also provide that
7 the good conduct credit accumulated and retained under
8 paragraph (2.1) of subsection (a) of this Section by any
9 inmate during specific periods of time in which such inmate
10 is engaged full-time in substance abuse programs,
11 correctional industry assignments, or educational programs
12 provided by the Department under this paragraph (4) and
13 satisfactorily completes the assigned program as
14 determined by the standards of the Department, shall be
15 multiplied by a factor of 1.25 for program participation
16 before August 11, 1993 and 1.50 for program participation
17 on or after that date. However, no inmate shall be eligible
18 for the additional good conduct credit under this paragraph
19 (4) or (4.1) of this subsection (a) while assigned to a
20 boot camp or electronic detention, or if convicted of an
21 offense enumerated in subdivision (a)(2)(i), (ii), or
22 (iii) of this Section that is committed on or after June
23 19, 1998 or subdivision (a)(2)(iv) of this Section that is
24 committed on or after June 23, 2005 (the effective date of
25 Public Act 94-71) or subdivision (a)(2)(v) of this Section
26 that is committed on or after August 13, 2007 (the

1 effective date of Public Act 95-134) or subdivision
2 (a)(2)(vi) when the offense is committed on or after June
3 1, 2008 (the effective date of Public Act 95-625), or if
4 convicted of reckless homicide as defined in subsection (e)
5 of Section 9-3 of the Criminal Code of 1961 if the offense
6 is committed on or after January 1, 1999, or aggravated
7 driving under the influence of alcohol, other drug or
8 drugs, or intoxicating compound or compounds, or any
9 combination thereof as defined in subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code, or if convicted of an offense
12 enumerated in paragraph (a)(2.4) of this Section that is
13 committed on or after July 15, 1999 (the effective date of
14 Public Act 91-121), or first degree murder, a Class X
15 felony, criminal sexual assault, felony criminal sexual
16 abuse, aggravated criminal sexual abuse, aggravated
17 battery with a firearm as described in Section 12-4.2 or
18 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section
19 12-3.05, or any predecessor or successor offenses with the
20 same or substantially the same elements, or any inchoate
21 offenses relating to the foregoing offenses. No inmate
22 shall be eligible for the additional good conduct credit
23 under this paragraph (4) who (i) has previously received
24 increased good conduct credit under this paragraph (4) and
25 has subsequently been convicted of a felony, or (ii) has
26 previously served more than one prior sentence of

1 imprisonment for a felony in an adult correctional
2 facility.

3 Educational, vocational, substance abuse and
4 correctional industry programs under which good conduct
5 credit may be increased under this paragraph (4) and
6 paragraph (4.1) of this subsection (a) shall be evaluated
7 by the Department on the basis of documented standards. The
8 Department shall report the results of these evaluations to
9 the Governor and the General Assembly by September 30th of
10 each year. The reports shall include data relating to the
11 recidivism rate among program participants.

12 Availability of these programs shall be subject to the
13 limits of fiscal resources appropriated by the General
14 Assembly for these purposes. Eligible inmates who are
15 denied immediate admission shall be placed on a waiting
16 list under criteria established by the Department. The
17 inability of any inmate to become engaged in any such
18 programs by reason of insufficient program resources or for
19 any other reason established under the rules and
20 regulations of the Department shall not be deemed a cause
21 of action under which the Department or any employee or
22 agent of the Department shall be liable for damages to the
23 inmate.

24 (4.1) The rules and regulations shall also provide that
25 an additional 60 days of good conduct credit shall be
26 awarded to any prisoner who passes the high school level

1 Test of General Educational Development (GED) while the
2 prisoner is incarcerated. The good conduct credit awarded
3 under this paragraph (4.1) shall be in addition to, and
4 shall not affect, the award of good conduct under any other
5 paragraph of this Section, but shall also be pursuant to
6 the guidelines and restrictions set forth in paragraph (4)
7 of subsection (a) of this Section. The good conduct credit
8 provided for in this paragraph shall be available only to
9 those prisoners who have not previously earned a high
10 school diploma or a GED. If, after an award of the GED good
11 conduct credit has been made and the Department determines
12 that the prisoner was not eligible, then the award shall be
13 revoked.

14 (4.5) The rules and regulations on early release shall
15 also provide that when the court's sentencing order
16 recommends a prisoner for substance abuse treatment and the
17 crime was committed on or after September 1, 2003 (the
18 effective date of Public Act 93-354), the prisoner shall
19 receive no good conduct credit awarded under clause (3) of
20 this subsection (a) unless he or she participates in and
21 completes a substance abuse treatment program. The
22 Director may waive the requirement to participate in or
23 complete a substance abuse treatment program and award the
24 good conduct credit in specific instances if the prisoner
25 is not a good candidate for a substance abuse treatment
26 program for medical, programming, or operational reasons.

1 Availability of substance abuse treatment shall be subject
2 to the limits of fiscal resources appropriated by the
3 General Assembly for these purposes. If treatment is not
4 available and the requirement to participate and complete
5 the treatment has not been waived by the Director, the
6 prisoner shall be placed on a waiting list under criteria
7 established by the Department. The Director may allow a
8 prisoner placed on a waiting list to participate in and
9 complete a substance abuse education class or attend
10 substance abuse self-help meetings in lieu of a substance
11 abuse treatment program. A prisoner on a waiting list who
12 is not placed in a substance abuse program prior to release
13 may be eligible for a waiver and receive good conduct
14 credit under clause (3) of this subsection (a) at the
15 discretion of the Director.

16 (4.6) The rules and regulations on early release shall
17 also provide that a prisoner who has been convicted of a
18 sex offense as defined in Section 2 of the Sex Offender
19 Registration Act shall receive no good conduct credit
20 unless he or she either has successfully completed or is
21 participating in sex offender treatment as defined by the
22 Sex Offender Management Board. However, prisoners who are
23 waiting to receive such treatment, but who are unable to do
24 so due solely to the lack of resources on the part of the
25 Department, may, at the Director's sole discretion, be
26 awarded good conduct credit at such rate as the Director

1 shall determine.

2 (5) Whenever the Department is to release any inmate
3 earlier than it otherwise would because of a grant of good
4 conduct credit for meritorious service given at any time
5 during the term, the Department shall give reasonable
6 notice of the impending release not less than 14 days prior
7 to the date of the release to the State's Attorney of the
8 county where the prosecution of the inmate took place, and
9 if applicable, the State's Attorney of the county into
10 which the inmate will be released.

11 (b) Whenever a person is or has been committed under
12 several convictions, with separate sentences, the sentences
13 shall be construed under Section 5-8-4 in granting and
14 forfeiting of good time.

15 (c) The Department shall prescribe rules and regulations
16 for revoking good conduct credit, or suspending or reducing the
17 rate of accumulation of good conduct credit for specific rule
18 violations, during imprisonment. These rules and regulations
19 shall provide that no inmate may be penalized more than one
20 year of good conduct credit for any one infraction.

21 When the Department seeks to revoke, suspend or reduce the
22 rate of accumulation of any good conduct credits for an alleged
23 infraction of its rules, it shall bring charges therefor
24 against the prisoner sought to be so deprived of good conduct
25 credits before the Prisoner Review Board as provided in
26 subparagraph (a) (4) of Section 3-3-2 of this Code, if the

1 amount of credit at issue exceeds 30 days or when during any 12
2 month period, the cumulative amount of credit revoked exceeds
3 30 days except where the infraction is committed or discovered
4 within 60 days of scheduled release. In those cases, the
5 Department of Corrections may revoke up to 30 days of good
6 conduct credit. The Board may subsequently approve the
7 revocation of additional good conduct credit, if the Department
8 seeks to revoke good conduct credit in excess of 30 days.
9 However, the Board shall not be empowered to review the
10 Department's decision with respect to the loss of 30 days of
11 good conduct credit within any calendar year for any prisoner
12 or to increase any penalty beyond the length requested by the
13 Department.

14 The Director of the Department of Corrections, in
15 appropriate cases, may restore up to 30 days good conduct
16 credits which have been revoked, suspended or reduced. Any
17 restoration of good conduct credits in excess of 30 days shall
18 be subject to review by the Prisoner Review Board. However, the
19 Board may not restore good conduct credit in excess of the
20 amount requested by the Director.

21 Nothing contained in this Section shall prohibit the
22 Prisoner Review Board from ordering, pursuant to Section
23 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
24 sentence imposed by the court that was not served due to the
25 accumulation of good conduct credit.

26 (d) If a lawsuit is filed by a prisoner in an Illinois or

1 federal court against the State, the Department of Corrections,
2 or the Prisoner Review Board, or against any of their officers
3 or employees, and the court makes a specific finding that a
4 pleading, motion, or other paper filed by the prisoner is
5 frivolous, the Department of Corrections shall conduct a
6 hearing to revoke up to 180 days of good conduct credit by
7 bringing charges against the prisoner sought to be deprived of
8 the good conduct credits before the Prisoner Review Board as
9 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
10 If the prisoner has not accumulated 180 days of good conduct
11 credit at the time of the finding, then the Prisoner Review
12 Board may revoke all good conduct credit accumulated by the
13 prisoner.

14 For purposes of this subsection (d):

15 (1) "Frivolous" means that a pleading, motion, or other
16 filing which purports to be a legal document filed by a
17 prisoner in his or her lawsuit meets any or all of the
18 following criteria:

19 (A) it lacks an arguable basis either in law or in
20 fact;

21 (B) it is being presented for any improper purpose,
22 such as to harass or to cause unnecessary delay or
23 needless increase in the cost of litigation;

24 (C) the claims, defenses, and other legal
25 contentions therein are not warranted by existing law
26 or by a nonfrivolous argument for the extension,

1 modification, or reversal of existing law or the
2 establishment of new law;

3 (D) the allegations and other factual contentions
4 do not have evidentiary support or, if specifically so
5 identified, are not likely to have evidentiary support
6 after a reasonable opportunity for further
7 investigation or discovery; or

8 (E) the denials of factual contentions are not
9 warranted on the evidence, or if specifically so
10 identified, are not reasonably based on a lack of
11 information or belief.

12 (2) "Lawsuit" means a motion pursuant to Section 116-3
13 of the Code of Criminal Procedure of 1963, a habeas corpus
14 action under Article X of the Code of Civil Procedure or
15 under federal law (28 U.S.C. 2254), a petition for claim
16 under the Court of Claims Act, an action under the federal
17 Civil Rights Act (42 U.S.C. 1983), or a second or
18 subsequent petition for post-conviction relief under
19 Article 122 of the Code of Criminal Procedure of 1963
20 whether filed with or without leave of court or a second or
21 subsequent petition for relief from judgment under Section
22 2-1401 of the Code of Civil Procedure.

23 (e) Nothing in Public Act 90-592 or 90-593 affects the
24 validity of Public Act 89-404.

25 (f) Whenever the Department is to release any inmate who
26 has been convicted of a violation of an order of protection

1 under Section 12-3.4 or 12-30 of the Criminal Code of 1961,
2 earlier than it otherwise would because of a grant of good
3 conduct credit, the Department, as a condition of such early
4 release, shall require that the person, upon release, be placed
5 under electronic surveillance as provided in Section 5-8A-7 of
6 this Code.

7 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
8 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
9 95-876, eff. 8-21-08; 96-860, eff. 1-15-10.)

10 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

11 Sec. 5-3-2. Presentence Report.

12 (a) In felony cases, the presentence report shall set
13 forth:

14 (1) the defendant's history of delinquency or
15 criminality, physical and mental history and condition,
16 family situation and background, economic status,
17 education, occupation and personal habits;

18 (2) information about special resources within the
19 community which might be available to assist the
20 defendant's rehabilitation, including treatment centers,
21 residential facilities, vocational training services,
22 correctional manpower programs, employment opportunities,
23 special educational programs, alcohol and drug abuse
24 programming, psychiatric and marriage counseling, and
25 other programs and facilities which could aid the

1 defendant's successful reintegration into society;

2 (3) the effect the offense committed has had upon the
3 victim or victims thereof, and any compensatory benefit
4 that various sentencing alternatives would confer on such
5 victim or victims;

6 (4) information concerning the defendant's status
7 since arrest, including his record if released on his own
8 recognizance, or the defendant's achievement record if
9 released on a conditional pre-trial supervision program;

10 (5) when appropriate, a plan, based upon the personal,
11 economic and social adjustment needs of the defendant,
12 utilizing public and private community resources as an
13 alternative to institutional sentencing;

14 (6) any other matters that the investigatory officer
15 deems relevant or the court directs to be included; and

16 (7) information concerning defendant's eligibility for
17 a sentence to a county impact incarceration program under
18 Section 5-8-1.2 of this Code.

19 (b) The investigation shall include a physical and mental
20 examination of the defendant when so ordered by the court. If
21 the court determines that such an examination should be made,
22 it shall issue an order that the defendant submit to
23 examination at such time and place as designated by the court
24 and that such examination be conducted by a physician,
25 psychologist or psychiatrist designated by the court. Such an
26 examination may be conducted in a court clinic if so ordered by

1 the court. The cost of such examination shall be paid by the
2 county in which the trial is held.

3 (b-5) In cases involving felony sex offenses in which the
4 offender is being considered for probation only or any felony
5 offense that is sexually motivated as defined in the Sex
6 Offender Management Board Act in which the offender is being
7 considered for probation only, the investigation shall include
8 a sex offender evaluation by an evaluator approved by the Board
9 and conducted in conformance with the standards developed under
10 the Sex Offender Management Board Act. In cases in which the
11 offender is being considered for any mandatory prison sentence,
12 the investigation shall not include a sex offender evaluation.

13 (c) In misdemeanor, business offense or petty offense
14 cases, except as specified in subsection (d) of this Section,
15 when a presentence report has been ordered by the court, such
16 presentence report shall contain information on the
17 defendant's history of delinquency or criminality and shall
18 further contain only those matters listed in any of paragraphs
19 (1) through (6) of subsection (a) or in subsection (b) of this
20 Section as are specified by the court in its order for the
21 report.

22 (d) In cases under Section 12-15 and Section 12-3.4 or
23 12-30 of the Criminal Code of 1961, as amended, the presentence
24 report shall set forth information about alcohol, drug abuse,
25 psychiatric, and marriage counseling or other treatment
26 programs and facilities, information on the defendant's

1 history of delinquency or criminality, and shall contain those
2 additional matters listed in any of paragraphs (1) through (6)
3 of subsection (a) or in subsection (b) of this Section as are
4 specified by the court.

5 (e) Nothing in this Section shall cause the defendant to be
6 held without bail or to have his bail revoked for the purpose
7 of preparing the presentence report or making an examination.

8 (Source: P.A. 96-322, eff. 1-1-10.)

9 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

14 (2) A period of probation, a term of periodic
15 imprisonment or conditional discharge shall not be imposed
16 for the following offenses. The court shall sentence the
17 offender to not less than the minimum term of imprisonment
18 set forth in this Code for the following offenses, and may
19 order a fine or restitution or both in conjunction with
20 such term of imprisonment:

21 (A) First degree murder where the death penalty is
22 not imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

25 (D) A violation of Section 401.1 or 407 of the

1 Illinois Controlled Substances Act, or a violation of
2 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
3 of that Act which relates to more than 5 grams of a
4 substance containing heroin, cocaine, fentanyl, or an
5 analog thereof.

6 (E) A violation of Section 5.1 or 9 of the Cannabis
7 Control Act.

8 (F) A Class 2 or greater felony if the offender had
9 been convicted of a Class 2 or greater felony,
10 including any state or federal conviction for an
11 offense that contained, at the time it was committed,
12 the same elements as an offense now (the date of the
13 offense committed after the prior Class 2 or greater
14 felony) classified as a Class 2 or greater felony,
15 within 10 years of the date on which the offender
16 committed the offense for which he or she is being
17 sentenced, except as otherwise provided in Section
18 40-10 of the Alcoholism and Other Drug Abuse and
19 Dependency Act.

20 (F-5) A violation of Section 24-1, 24-1.1, or
21 24-1.6 of the Criminal Code of 1961 for which
22 imprisonment is prescribed in those Sections.

23 (G) Residential burglary, except as otherwise
24 provided in Section 40-10 of the Alcoholism and Other
25 Drug Abuse and Dependency Act.

26 (H) Criminal sexual assault.

1 (I) Aggravated battery of a senior citizen as
2 described in Section 12-4.6 or subdivision (a)(4) of
3 Section 12-3.05.

4 (J) A forcible felony if the offense was related to
5 the activities of an organized gang.

6 Before July 1, 1994, for the purposes of this
7 paragraph, "organized gang" means an association of 5
8 or more persons, with an established hierarchy, that
9 encourages members of the association to perpetrate
10 crimes or provides support to the members of the
11 association who do commit crimes.

12 Beginning July 1, 1994, for the purposes of this
13 paragraph, "organized gang" has the meaning ascribed
14 to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (K) Vehicular hijacking.

17 (L) A second or subsequent conviction for the
18 offense of hate crime when the underlying offense upon
19 which the hate crime is based is felony aggravated
20 assault or felony mob action.

21 (M) A second or subsequent conviction for the
22 offense of institutional vandalism if the damage to the
23 property exceeds \$300.

24 (N) A Class 3 felony violation of paragraph (1) of
25 subsection (a) of Section 2 of the Firearm Owners
26 Identification Card Act.

1 (O) A violation of Section 12-6.1 or 12-6.5 of the
2 Criminal Code of 1961.

3 (P) A violation of paragraph (1), (2), (3), (4),
4 (5), or (7) of subsection (a) of Section 11-20.1 of the
5 Criminal Code of 1961.

6 (Q) A violation of Section 20-1.2 or 20-1.3 of the
7 Criminal Code of 1961.

8 (R) A violation of Section 24-3A of the Criminal
9 Code of 1961.

10 (S) (Blank).

11 (T) A second or subsequent violation of the
12 Methamphetamine Control and Community Protection Act.

13 (U) A second or subsequent violation of Section
14 6-303 of the Illinois Vehicle Code committed while his
15 or her driver's license, permit, or privilege was
16 revoked because of a violation of Section 9-3 of the
17 Criminal Code of 1961, relating to the offense of
18 reckless homicide, or a similar provision of a law of
19 another state.

20 (V) A violation of paragraph (4) of subsection (c)
21 of Section 11-20.3 of the Criminal Code of 1961.

22 (W) A violation of Section 24-3.5 of the Criminal
23 Code of 1961.

24 (X) A violation of subsection (a) of Section 31-1a
25 of the Criminal Code of 1961.

26 (Y) A conviction for unlawful possession of a

1 firearm by a street gang member when the firearm was
2 loaded or contained firearm ammunition.

3 (3) (Blank).

4 (4) A minimum term of imprisonment of not less than 10
5 consecutive days or 30 days of community service shall be
6 imposed for a violation of paragraph (c) of Section 6-303
7 of the Illinois Vehicle Code.

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8)
10 of this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court,
15 shall be imposed for a second violation of subsection (c)
16 of Section 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6),
18 and (4.9) of this subsection (c), a minimum term of
19 imprisonment of 30 days or 300 hours of community service,
20 as determined by the court, shall be imposed for a third or
21 subsequent violation of Section 6-303 of the Illinois
22 Vehicle Code.

23 (4.5) A minimum term of imprisonment of 30 days shall
24 be imposed for a third violation of subsection (c) of
25 Section 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle
4 Code.

5 (4.7) A minimum term of imprisonment of not less than
6 30 consecutive days, or 300 hours of community service,
7 shall be imposed for a violation of subsection (a-5) of
8 Section 6-303 of the Illinois Vehicle Code, as provided in
9 subsection (b-5) of that Section.

10 (4.8) A mandatory prison sentence shall be imposed for
11 a second violation of subsection (a-5) of Section 6-303 of
12 the Illinois Vehicle Code, as provided in subsection (c-5)
13 of that Section. The person's driving privileges shall be
14 revoked for a period of not less than 5 years from the date
15 of his or her release from prison.

16 (4.9) A mandatory prison sentence of not less than 4
17 and not more than 15 years shall be imposed for a third
18 violation of subsection (a-5) of Section 6-303 of the
19 Illinois Vehicle Code, as provided in subsection (d-2.5) of
20 that Section. The person's driving privileges shall be
21 revoked for the remainder of his or her life.

22 (4.10) A mandatory prison sentence for a Class 1 felony
23 shall be imposed, and the person shall be eligible for an
24 extended term sentence, for a fourth or subsequent
25 violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (d-3.5) of

1 that Section. The person's driving privileges shall be
2 revoked for the remainder of his or her life.

3 (5) The court may sentence a corporation or
4 unincorporated association convicted of any offense to:

5 (A) a period of conditional discharge;

6 (B) a fine;

7 (C) make restitution to the victim under Section
8 5-5-6 of this Code.

9 (5.1) In addition to any other penalties imposed, and
10 except as provided in paragraph (5.2) or (5.3), a person
11 convicted of violating subsection (c) of Section 11-907 of
12 the Illinois Vehicle Code shall have his or her driver's
13 license, permit, or privileges suspended for at least 90
14 days but not more than one year, if the violation resulted
15 in damage to the property of another person.

16 (5.2) In addition to any other penalties imposed, and
17 except as provided in paragraph (5.3), a person convicted
18 of violating subsection (c) of Section 11-907 of the
19 Illinois Vehicle Code shall have his or her driver's
20 license, permit, or privileges suspended for at least 180
21 days but not more than 2 years, if the violation resulted
22 in injury to another person.

23 (5.3) In addition to any other penalties imposed, a
24 person convicted of violating subsection (c) of Section
25 11-907 of the Illinois Vehicle Code shall have his or her
26 driver's license, permit, or privileges suspended for 2

1 years, if the violation resulted in the death of another
2 person.

3 (5.4) In addition to any other penalties imposed, a
4 person convicted of violating Section 3-707 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for 3 months and until he
7 or she has paid a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a
9 person convicted of violating Section 3-707 of the Illinois
10 Vehicle Code during a period in which his or her driver's
11 license, permit, or privileges were suspended for a
12 previous violation of that Section shall have his or her
13 driver's license, permit, or privileges suspended for an
14 additional 6 months after the expiration of the original
15 3-month suspension and until he or she has paid a
16 reinstatement fee of \$100.

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

20 (9) A defendant convicted of a second or subsequent
21 offense of ritualized abuse of a child may be sentenced to
22 a term of natural life imprisonment.

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000
25 for a first offense and \$2,000 for a second or subsequent
26 offense upon a person convicted of or placed on supervision

1 for battery when the individual harmed was a sports
2 official or coach at any level of competition and the act
3 causing harm to the sports official or coach occurred
4 within an athletic facility or within the immediate
5 vicinity of the athletic facility at which the sports
6 official or coach was an active participant of the athletic
7 contest held at the athletic facility. For the purposes of
8 this paragraph (11), "sports official" means a person at an
9 athletic contest who enforces the rules of the contest,
10 such as an umpire or referee; "athletic facility" means an
11 indoor or outdoor playing field or recreational area where
12 sports activities are conducted; and "coach" means a person
13 recognized as a coach by the sanctioning authority that
14 conducted the sporting event.

15 (12) A person may not receive a disposition of court
16 supervision for a violation of Section 5-16 of the Boat
17 Registration and Safety Act if that person has previously
18 received a disposition of court supervision for a violation
19 of that Section.

20 (13) A person convicted of or placed on court
21 supervision for an assault or aggravated assault when the
22 victim and the offender are family or household members as
23 defined in Section 103 of the Illinois Domestic Violence
24 Act of 1986 or convicted of domestic battery or aggravated
25 domestic battery may be required to attend a Partner Abuse
26 Intervention Program under protocols set forth by the

1 Illinois Department of Human Services under such terms and
2 conditions imposed by the court. The costs of such classes
3 shall be paid by the offender.

4 (d) In any case in which a sentence originally imposed is
5 vacated, the case shall be remanded to the trial court. The
6 trial court shall hold a hearing under Section 5-4-1 of the
7 Unified Code of Corrections which may include evidence of the
8 defendant's life, moral character and occupation during the
9 time since the original sentence was passed. The trial court
10 shall then impose sentence upon the defendant. The trial court
11 may impose any sentence which could have been imposed at the
12 original trial subject to Section 5-5-4 of the Unified Code of
13 Corrections. If a sentence is vacated on appeal or on
14 collateral attack due to the failure of the trier of fact at
15 trial to determine beyond a reasonable doubt the existence of a
16 fact (other than a prior conviction) necessary to increase the
17 punishment for the offense beyond the statutory maximum
18 otherwise applicable, either the defendant may be re-sentenced
19 to a term within the range otherwise provided or, if the State
20 files notice of its intention to again seek the extended
21 sentence, the defendant shall be afforded a new trial.

22 (e) In cases where prosecution for aggravated criminal
23 sexual abuse under Section 12-16 of the Criminal Code of 1961
24 results in conviction of a defendant who was a family member of
25 the victim at the time of the commission of the offense, the
26 court shall consider the safety and welfare of the victim and

1 may impose a sentence of probation only where:

2 (1) the court finds (A) or (B) or both are appropriate:

3 (A) the defendant is willing to undergo a court
4 approved counseling program for a minimum duration of 2
5 years; or

6 (B) the defendant is willing to participate in a
7 court approved plan including but not limited to the
8 defendant's:

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the
12 family;

13 (iv) restitution for harm done to the victim;

14 and

15 (v) compliance with any other measures that
16 the court may deem appropriate; and

17 (2) the court orders the defendant to pay for the
18 victim's counseling services, to the extent that the court
19 finds, after considering the defendant's income and
20 assets, that the defendant is financially capable of paying
21 for such services, if the victim was under 18 years of age
22 at the time the offense was committed and requires
23 counseling as a result of the offense.

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or
2 commits another offense with the victim or other family
3 members, the court shall revoke the defendant's probation and
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and
6 "victim" shall have the meanings ascribed to them in Section
7 12-12 of the Criminal Code of 1961.

8 (f) (Blank).

9 (g) Whenever a defendant is convicted of an offense under
10 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
11 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
12 of the Criminal Code of 1961, the defendant shall undergo
13 medical testing to determine whether the defendant has any
14 sexually transmissible disease, including a test for infection
15 with human immunodeficiency virus (HIV) or any other identified
16 causative agent of acquired immunodeficiency syndrome (AIDS).
17 Any such medical test shall be performed only by appropriately
18 licensed medical practitioners and may include an analysis of
19 any bodily fluids as well as an examination of the defendant's
20 person. Except as otherwise provided by law, the results of
21 such test shall be kept strictly confidential by all medical
22 personnel involved in the testing and must be personally
23 delivered in a sealed envelope to the judge of the court in
24 which the conviction was entered for the judge's inspection in
25 camera. Acting in accordance with the best interests of the
26 victim and the public, the judge shall have the discretion to

1 determine to whom, if anyone, the results of the testing may be
2 revealed. The court shall notify the defendant of the test
3 results. The court shall also notify the victim if requested by
4 the victim, and if the victim is under the age of 15 and if
5 requested by the victim's parents or legal guardian, the court
6 shall notify the victim's parents or legal guardian of the test
7 results. The court shall provide information on the
8 availability of HIV testing and counseling at Department of
9 Public Health facilities to all parties to whom the results of
10 the testing are revealed and shall direct the State's Attorney
11 to provide the information to the victim when possible. A
12 State's Attorney may petition the court to obtain the results
13 of any HIV test administered under this Section, and the court
14 shall grant the disclosure if the State's Attorney shows it is
15 relevant in order to prosecute a charge of criminal
16 transmission of HIV under Section 12-5.01 or 12-16.2 of the
17 Criminal Code of 1961 against the defendant. The court shall
18 order that the cost of any such test shall be paid by the
19 county and may be taxed as costs against the convicted
20 defendant.

21 (g-5) When an inmate is tested for an airborne communicable
22 disease, as determined by the Illinois Department of Public
23 Health including but not limited to tuberculosis, the results
24 of the test shall be personally delivered by the warden or his
25 or her designee in a sealed envelope to the judge of the court
26 in which the inmate must appear for the judge's inspection in

1 camera if requested by the judge. Acting in accordance with the
2 best interests of those in the courtroom, the judge shall have
3 the discretion to determine what if any precautions need to be
4 taken to prevent transmission of the disease in the courtroom.

5 (h) Whenever a defendant is convicted of an offense under
6 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
7 defendant shall undergo medical testing to determine whether
8 the defendant has been exposed to human immunodeficiency virus
9 (HIV) or any other identified causative agent of acquired
10 immunodeficiency syndrome (AIDS). Except as otherwise provided
11 by law, the results of such test shall be kept strictly
12 confidential by all medical personnel involved in the testing
13 and must be personally delivered in a sealed envelope to the
14 judge of the court in which the conviction was entered for the
15 judge's inspection in camera. Acting in accordance with the
16 best interests of the public, the judge shall have the
17 discretion to determine to whom, if anyone, the results of the
18 testing may be revealed. The court shall notify the defendant
19 of a positive test showing an infection with the human
20 immunodeficiency virus (HIV). The court shall provide
21 information on the availability of HIV testing and counseling
22 at Department of Public Health facilities to all parties to
23 whom the results of the testing are revealed and shall direct
24 the State's Attorney to provide the information to the victim
25 when possible. A State's Attorney may petition the court to
26 obtain the results of any HIV test administered under this

1 Section, and the court shall grant the disclosure if the
2 State's Attorney shows it is relevant in order to prosecute a
3 charge of criminal transmission of HIV under Section 12-5.01 or
4 12-16.2 of the Criminal Code of 1961 against the defendant. The
5 court shall order that the cost of any such test shall be paid
6 by the county and may be taxed as costs against the convicted
7 defendant.

8 (i) All fines and penalties imposed under this Section for
9 any violation of Chapters 3, 4, 6, and 11 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, and
11 any violation of the Child Passenger Protection Act, or a
12 similar provision of a local ordinance, shall be collected and
13 disbursed by the circuit clerk as provided under Section 27.5
14 of the Clerks of Courts Act.

15 (j) In cases when prosecution for any violation of Section
16 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
17 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
18 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
19 Code of 1961, any violation of the Illinois Controlled
20 Substances Act, any violation of the Cannabis Control Act, or
21 any violation of the Methamphetamine Control and Community
22 Protection Act results in conviction, a disposition of court
23 supervision, or an order of probation granted under Section 10
24 of the Cannabis Control Act, Section 410 of the Illinois
25 Controlled Substance Act, or Section 70 of the Methamphetamine
26 Control and Community Protection Act of a defendant, the court

1 shall determine whether the defendant is employed by a facility
2 or center as defined under the Child Care Act of 1969, a public
3 or private elementary or secondary school, or otherwise works
4 with children under 18 years of age on a daily basis. When a
5 defendant is so employed, the court shall order the Clerk of
6 the Court to send a copy of the judgment of conviction or order
7 of supervision or probation to the defendant's employer by
8 certified mail. If the employer of the defendant is a school,
9 the Clerk of the Court shall direct the mailing of a copy of
10 the judgment of conviction or order of supervision or probation
11 to the appropriate regional superintendent of schools. The
12 regional superintendent of schools shall notify the State Board
13 of Education of any notification under this subsection.

14 (j-5) A defendant at least 17 years of age who is convicted
15 of a felony and who has not been previously convicted of a
16 misdemeanor or felony and who is sentenced to a term of
17 imprisonment in the Illinois Department of Corrections shall as
18 a condition of his or her sentence be required by the court to
19 attend educational courses designed to prepare the defendant
20 for a high school diploma and to work toward a high school
21 diploma or to work toward passing the high school level Test of
22 General Educational Development (GED) or to work toward
23 completing a vocational training program offered by the
24 Department of Corrections. If a defendant fails to complete the
25 educational training required by his or her sentence during the
26 term of incarceration, the Prisoner Review Board shall, as a

1 condition of mandatory supervised release, require the
2 defendant, at his or her own expense, to pursue a course of
3 study toward a high school diploma or passage of the GED test.
4 The Prisoner Review Board shall revoke the mandatory supervised
5 release of a defendant who wilfully fails to comply with this
6 subsection (j-5) upon his or her release from confinement in a
7 penal institution while serving a mandatory supervised release
8 term; however, the inability of the defendant after making a
9 good faith effort to obtain financial aid or pay for the
10 educational training shall not be deemed a wilful failure to
11 comply. The Prisoner Review Board shall recommit the defendant
12 whose mandatory supervised release term has been revoked under
13 this subsection (j-5) as provided in Section 3-3-9. This
14 subsection (j-5) does not apply to a defendant who has a high
15 school diploma or has successfully passed the GED test. This
16 subsection (j-5) does not apply to a defendant who is
17 determined by the court to be developmentally disabled or
18 otherwise mentally incapable of completing the educational or
19 vocational program.

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is an alien as defined by
23 the Immigration and Nationality Act, is convicted of any
24 felony or misdemeanor offense, the court after sentencing
25 the defendant may, upon motion of the State's Attorney,
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his
2 or her designated agent to be deported when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under
5 the Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct
8 and would not be inconsistent with the ends of justice.

9 Otherwise, the defendant shall be sentenced as
10 provided in this Chapter V.

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on
13 probation under Section 10 of the Cannabis Control Act,
14 Section 410 of the Illinois Controlled Substances Act, or
15 Section 70 of the Methamphetamine Control and Community
16 Protection Act, the court may, upon motion of the State's
17 Attorney to suspend the sentence imposed, commit the
18 defendant to the custody of the Attorney General of the
19 United States or his or her designated agent when:

20 (1) a final order of deportation has been issued
21 against the defendant pursuant to proceedings under
22 the Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not
24 deprecate the seriousness of the defendant's conduct
25 and would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who

1 are subject to the provisions of paragraph (2) of
2 subsection (a) of Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant
4 sentenced under this Section returns to the jurisdiction of
5 the United States, the defendant shall be recommitted to
6 the custody of the county from which he or she was
7 sentenced. Thereafter, the defendant shall be brought
8 before the sentencing court, which may impose any sentence
9 that was available under Section 5-5-3 at the time of
10 initial sentencing. In addition, the defendant shall not be
11 eligible for additional good conduct credit for
12 meritorious service as provided under Section 3-6-6.

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961, in which the
15 property damage exceeds \$300 and the property damaged is a
16 school building, shall be ordered to perform community service
17 that may include cleanup, removal, or painting over the
18 defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
21 or (b) of Section 12-4.4a, of the Criminal Code of 1961 (i) to
22 an impact incarceration program if the person is otherwise
23 eligible for that program under Section 5-8-1.1, (ii) to
24 community service, or (iii) if the person is an addict or
25 alcoholic, as defined in the Alcoholism and Other Drug Abuse
26 and Dependency Act, to a substance or alcohol abuse program

1 licensed under that Act.

2 (o) Whenever a person is convicted of a sex offense as
3 defined in Section 2 of the Sex Offender Registration Act, the
4 defendant's driver's license or permit shall be subject to
5 renewal on an annual basis in accordance with the provisions of
6 license renewal established by the Secretary of State.

7 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
8 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
9 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
10 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
11 eff. 12-3-09.)

12 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

13 (Text of Section before amendment by P.A. 96-339)

14 Sec. 5-5-3.2. Factors in Aggravation.

15 (a) The following factors shall be accorded weight in favor
16 of imposing a term of imprisonment or may be considered by the
17 court as reasons to impose a more severe sentence under Section
18 5-8-1 or Article 4.5 of Chapter V:

19 (1) the defendant's conduct caused or threatened
20 serious harm;

21 (2) the defendant received compensation for committing
22 the offense;

23 (3) the defendant has a history of prior delinquency or
24 criminal activity;

25 (4) the defendant, by the duties of his office or by

1 his position, was obliged to prevent the particular offense
2 committed or to bring the offenders committing it to
3 justice;

4 (5) the defendant held public office at the time of the
5 offense, and the offense related to the conduct of that
6 office;

7 (6) the defendant utilized his professional reputation
8 or position in the community to commit the offense, or to
9 afford him an easier means of committing it;

10 (7) the sentence is necessary to deter others from
11 committing the same crime;

12 (8) the defendant committed the offense against a
13 person 60 years of age or older or such person's property;

14 (9) the defendant committed the offense against a
15 person who is physically handicapped or such person's
16 property;

17 (10) by reason of another individual's actual or
18 perceived race, color, creed, religion, ancestry, gender,
19 sexual orientation, physical or mental disability, or
20 national origin, the defendant committed the offense
21 against (i) the person or property of that individual; (ii)
22 the person or property of a person who has an association
23 with, is married to, or has a friendship with the other
24 individual; or (iii) the person or property of a relative
25 (by blood or marriage) of a person described in clause (i)
26 or (ii). For the purposes of this Section, "sexual

1 orientation" means heterosexuality, homosexuality, or
2 bisexuality;

3 (11) the offense took place in a place of worship or on
4 the grounds of a place of worship, immediately prior to,
5 during or immediately following worship services. For
6 purposes of this subparagraph, "place of worship" shall
7 mean any church, synagogue or other building, structure or
8 place used primarily for religious worship;

9 (12) the defendant was convicted of a felony committed
10 while he was released on bail or his own recognizance
11 pending trial for a prior felony and was convicted of such
12 prior felony, or the defendant was convicted of a felony
13 committed while he was serving a period of probation,
14 conditional discharge, or mandatory supervised release
15 under subsection (d) of Section 5-8-1 for a prior felony;

16 (13) the defendant committed or attempted to commit a
17 felony while he was wearing a bulletproof vest. For the
18 purposes of this paragraph (13), a bulletproof vest is any
19 device which is designed for the purpose of protecting the
20 wearer from bullets, shot or other lethal projectiles;

21 (14) the defendant held a position of trust or
22 supervision such as, but not limited to, family member as
23 defined in Section 12-12 of the Criminal Code of 1961,
24 teacher, scout leader, baby sitter, or day care worker, in
25 relation to a victim under 18 years of age, and the
26 defendant committed an offense in violation of Section

1 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
2 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
3 against that victim;

4 (15) the defendant committed an offense related to the
5 activities of an organized gang. For the purposes of this
6 factor, "organized gang" has the meaning ascribed to it in
7 Section 10 of the Streetgang Terrorism Omnibus Prevention
8 Act;

9 (16) the defendant committed an offense in violation of
10 one of the following Sections while in a school, regardless
11 of the time of day or time of year; on any conveyance
12 owned, leased, or contracted by a school to transport
13 students to or from school or a school related activity; on
14 the real property of a school; or on a public way within
15 1,000 feet of the real property comprising any school:
16 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
19 33A-2 of the Criminal Code of 1961;

20 (16.5) the defendant committed an offense in violation
21 of one of the following Sections while in a day care
22 center, regardless of the time of day or time of year; on
23 the real property of a day care center, regardless of the
24 time of day or time of year; or on a public way within
25 1,000 feet of the real property comprising any day care
26 center, regardless of the time of day or time of year:

1 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
4 33A-2 of the Criminal Code of 1961;

5 (17) the defendant committed the offense by reason of
6 any person's activity as a community policing volunteer or
7 to prevent any person from engaging in activity as a
8 community policing volunteer. For the purpose of this
9 Section, "community policing volunteer" has the meaning
10 ascribed to it in Section 2-3.5 of the Criminal Code of
11 1961;

12 (18) the defendant committed the offense in a nursing
13 home or on the real property comprising a nursing home. For
14 the purposes of this paragraph (18), "nursing home" means a
15 skilled nursing or intermediate long term care facility
16 that is subject to license by the Illinois Department of
17 Public Health under the Nursing Home Care Act;

18 (19) the defendant was a federally licensed firearm
19 dealer and was previously convicted of a violation of
20 subsection (a) of Section 3 of the Firearm Owners
21 Identification Card Act and has now committed either a
22 felony violation of the Firearm Owners Identification Card
23 Act or an act of armed violence while armed with a firearm;

24 (20) the defendant (i) committed the offense of
25 reckless homicide under Section 9-3 of the Criminal Code of
26 1961 or the offense of driving under the influence of

1 alcohol, other drug or drugs, intoxicating compound or
2 compounds or any combination thereof under Section 11-501
3 of the Illinois Vehicle Code or a similar provision of a
4 local ordinance and (ii) was operating a motor vehicle in
5 excess of 20 miles per hour over the posted speed limit as
6 provided in Article VI of Chapter 11 of the Illinois
7 Vehicle Code;

8 (21) the defendant (i) committed the offense of
9 reckless driving or aggravated reckless driving under
10 Section 11-503 of the Illinois Vehicle Code and (ii) was
11 operating a motor vehicle in excess of 20 miles per hour
12 over the posted speed limit as provided in Article VI of
13 Chapter 11 of the Illinois Vehicle Code;

14 (22) the defendant committed the offense against a
15 person that the defendant knew, or reasonably should have
16 known, was a member of the Armed Forces of the United
17 States serving on active duty. For purposes of this clause
18 (22), the term "Armed Forces" means any of the Armed Forces
19 of the United States, including a member of any reserve
20 component thereof or National Guard unit called to active
21 duty;

22 (23) the defendant committed the offense against a
23 person who was elderly, disabled, or infirm by taking
24 advantage of a family or fiduciary relationship with the
25 elderly, disabled, or infirm person; ~~or~~

26 (24) the defendant committed any offense under Section

1 11-20.1 of the Criminal Code of 1961 and possessed 100 or
2 more images; ~~or~~

3 (25) the defendant committed the offense while the
4 defendant or the victim was in a train, bus, or other
5 vehicle used for public transportation; or -

6 (26) ~~(25)~~ the defendant committed the offense of child
7 pornography or aggravated child pornography, specifically
8 including paragraph (1), (2), (3), (4), (5), or (7) of
9 subsection (a) of Section 11-20.1 of the Criminal Code of
10 1961 where a child engaged in, solicited for, depicted in,
11 or posed in any act of sexual penetration or bound,
12 fettered, or subject to sadistic, masochistic, or
13 sadomasochistic abuse in a sexual context and specifically
14 including paragraph (1), (2), (3), (4), (5), or (7) of
15 subsection (a) of Section 11-20.3 of the Criminal Code of
16 1961 where a child engaged in, solicited for, depicted in,
17 or posed in any act of sexual penetration or bound,
18 fettered, or subject to sadistic, masochistic, or
19 sadomasochistic abuse in a sexual context.

20 For the purposes of this Section:

21 "School" is defined as a public or private elementary or
22 secondary school, community college, college, or university.

23 "Day care center" means a public or private State certified
24 and licensed day care center as defined in Section 2.09 of the
25 Child Care Act of 1969 that displays a sign in plain view
26 stating that the property is a day care center.

1 "Public transportation" means the transportation or
2 conveyance of persons by means available to the general public,
3 and includes paratransit services.

4 (b) The following factors, related to all felonies, may be
5 considered by the court as reasons to impose an extended term
6 sentence under Section 5-8-2 upon any offender:

7 (1) When a defendant is convicted of any felony, after
8 having been previously convicted in Illinois or any other
9 jurisdiction of the same or similar class felony or greater
10 class felony, when such conviction has occurred within 10
11 years after the previous conviction, excluding time spent
12 in custody, and such charges are separately brought and
13 tried and arise out of different series of acts; or

14 (2) When a defendant is convicted of any felony and the
15 court finds that the offense was accompanied by
16 exceptionally brutal or heinous behavior indicative of
17 wanton cruelty; or

18 (3) When a defendant is convicted of any felony
19 committed against:

20 (i) a person under 12 years of age at the time of
21 the offense or such person's property;

22 (ii) a person 60 years of age or older at the time
23 of the offense or such person's property; or

24 (iii) a person physically handicapped at the time
25 of the offense or such person's property; or

26 (4) When a defendant is convicted of any felony and the

1 offense involved any of the following types of specific
2 misconduct committed as part of a ceremony, rite,
3 initiation, observance, performance, practice or activity
4 of any actual or ostensible religious, fraternal, or social
5 group:

6 (i) the brutalizing or torturing of humans or
7 animals;

8 (ii) the theft of human corpses;

9 (iii) the kidnapping of humans;

10 (iv) the desecration of any cemetery, religious,
11 fraternal, business, governmental, educational, or
12 other building or property; or

13 (v) ritualized abuse of a child; or

14 (5) When a defendant is convicted of a felony other
15 than conspiracy and the court finds that the felony was
16 committed under an agreement with 2 or more other persons
17 to commit that offense and the defendant, with respect to
18 the other individuals, occupied a position of organizer,
19 supervisor, financier, or any other position of management
20 or leadership, and the court further finds that the felony
21 committed was related to or in furtherance of the criminal
22 activities of an organized gang or was motivated by the
23 defendant's leadership in an organized gang; or

24 (6) When a defendant is convicted of an offense
25 committed while using a firearm with a laser sight attached
26 to it. For purposes of this paragraph, "laser sight" has

1 the meaning ascribed to it in Section 24.6-5 of the
2 Criminal Code of 1961; or

3 (7) When a defendant who was at least 17 years of age
4 at the time of the commission of the offense is convicted
5 of a felony and has been previously adjudicated a
6 delinquent minor under the Juvenile Court Act of 1987 for
7 an act that if committed by an adult would be a Class X or
8 Class 1 felony when the conviction has occurred within 10
9 years after the previous adjudication, excluding time
10 spent in custody; or

11 (8) When a defendant commits any felony and the
12 defendant used, possessed, exercised control over, or
13 otherwise directed an animal to assault a law enforcement
14 officer engaged in the execution of his or her official
15 duties or in furtherance of the criminal activities of an
16 organized gang in which the defendant is engaged.

17 (c) The following factors may be considered by the court as
18 reasons to impose an extended term sentence under Section 5-8-2
19 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

20 (1) When a defendant is convicted of first degree
21 murder, after having been previously convicted in Illinois
22 of any offense listed under paragraph (c)(2) of Section
23 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
24 within 10 years after the previous conviction, excluding
25 time spent in custody, and the charges are separately
26 brought and tried and arise out of different series of

1 acts.

2 (1.5) When a defendant is convicted of first degree
3 murder, after having been previously convicted of domestic
4 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
5 (720 ILCS 5/12-3.3) committed on the same victim or after
6 having been previously convicted of violation of an order
7 of protection (720 ILCS 5/12-30) in which the same victim
8 was the protected person.

9 (2) When a defendant is convicted of voluntary
10 manslaughter, second degree murder, involuntary
11 manslaughter, or reckless homicide in which the defendant
12 has been convicted of causing the death of more than one
13 individual.

14 (3) When a defendant is convicted of aggravated
15 criminal sexual assault or criminal sexual assault, when
16 there is a finding that aggravated criminal sexual assault
17 or criminal sexual assault was also committed on the same
18 victim by one or more other individuals, and the defendant
19 voluntarily participated in the crime with the knowledge of
20 the participation of the others in the crime, and the
21 commission of the crime was part of a single course of
22 conduct during which there was no substantial change in the
23 nature of the criminal objective.

24 (4) If the victim was under 18 years of age at the time
25 of the commission of the offense, when a defendant is
26 convicted of aggravated criminal sexual assault or

1 predatory criminal sexual assault of a child under
2 subsection (a)(1) of Section 12-14.1 of the Criminal Code
3 of 1961 (720 ILCS 5/12-14.1).

4 (5) When a defendant is convicted of a felony violation
5 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
6 5/24-1) and there is a finding that the defendant is a
7 member of an organized gang.

8 (6) When a defendant was convicted of unlawful use of
9 weapons under Section 24-1 of the Criminal Code of 1961
10 (720 ILCS 5/24-1) for possessing a weapon that is not
11 readily distinguishable as one of the weapons enumerated in
12 Section 24-1 of the Criminal Code of 1961 (720 ILCS
13 5/24-1).

14 (7) When a defendant is convicted of an offense
15 involving the illegal manufacture of a controlled
16 substance under Section 401 of the Illinois Controlled
17 Substances Act (720 ILCS 570/401), the illegal manufacture
18 of methamphetamine under Section 25 of the Methamphetamine
19 Control and Community Protection Act (720 ILCS 646/25), or
20 the illegal possession of explosives and an emergency
21 response officer in the performance of his or her duties is
22 killed or injured at the scene of the offense while
23 responding to the emergency caused by the commission of the
24 offense. In this paragraph, "emergency" means a situation
25 in which a person's life, health, or safety is in jeopardy;
26 and "emergency response officer" means a peace officer,

1 community policing volunteer, fireman, emergency medical
2 technician-ambulance, emergency medical
3 technician-intermediate, emergency medical
4 technician-paramedic, ambulance driver, other medical
5 assistance or first aid personnel, or hospital emergency
6 room personnel.

7 (d) For the purposes of this Section, "organized gang" has
8 the meaning ascribed to it in Section 10 of the Illinois
9 Streetgang Terrorism Omnibus Prevention Act.

10 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
11 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
12 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
13 96-328, eff. 8-11-09; revised 9-25-09.)

14 (Text of Section after amendment by P.A. 96-339)

15 Sec. 5-5-3.2. Factors in Aggravation.

16 (a) The following factors shall be accorded weight in favor
17 of imposing a term of imprisonment or may be considered by the
18 court as reasons to impose a more severe sentence under Section
19 5-8-1 or Article 4.5 of Chapter V:

20 (1) the defendant's conduct caused or threatened
21 serious harm;

22 (2) the defendant received compensation for committing
23 the offense;

24 (3) the defendant has a history of prior delinquency or
25 criminal activity;

1 (4) the defendant, by the duties of his office or by
2 his position, was obliged to prevent the particular offense
3 committed or to bring the offenders committing it to
4 justice;

5 (5) the defendant held public office at the time of the
6 offense, and the offense related to the conduct of that
7 office;

8 (6) the defendant utilized his professional reputation
9 or position in the community to commit the offense, or to
10 afford him an easier means of committing it;

11 (7) the sentence is necessary to deter others from
12 committing the same crime;

13 (8) the defendant committed the offense against a
14 person 60 years of age or older or such person's property;

15 (9) the defendant committed the offense against a
16 person who is physically handicapped or such person's
17 property;

18 (10) by reason of another individual's actual or
19 perceived race, color, creed, religion, ancestry, gender,
20 sexual orientation, physical or mental disability, or
21 national origin, the defendant committed the offense
22 against (i) the person or property of that individual; (ii)
23 the person or property of a person who has an association
24 with, is married to, or has a friendship with the other
25 individual; or (iii) the person or property of a relative
26 (by blood or marriage) of a person described in clause (i)

1 or (ii). For the purposes of this Section, "sexual
2 orientation" means heterosexuality, homosexuality, or
3 bisexuality;

4 (11) the offense took place in a place of worship or on
5 the grounds of a place of worship, immediately prior to,
6 during or immediately following worship services. For
7 purposes of this subparagraph, "place of worship" shall
8 mean any church, synagogue or other building, structure or
9 place used primarily for religious worship;

10 (12) the defendant was convicted of a felony committed
11 while he was released on bail or his own recognizance
12 pending trial for a prior felony and was convicted of such
13 prior felony, or the defendant was convicted of a felony
14 committed while he was serving a period of probation,
15 conditional discharge, or mandatory supervised release
16 under subsection (d) of Section 5-8-1 for a prior felony;

17 (13) the defendant committed or attempted to commit a
18 felony while he was wearing a bulletproof vest. For the
19 purposes of this paragraph (13), a bulletproof vest is any
20 device which is designed for the purpose of protecting the
21 wearer from bullets, shot or other lethal projectiles;

22 (14) the defendant held a position of trust or
23 supervision such as, but not limited to, family member as
24 defined in Section 12-12 of the Criminal Code of 1961,
25 teacher, scout leader, baby sitter, or day care worker, in
26 relation to a victim under 18 years of age, and the

1 defendant committed an offense in violation of Section
2 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
3 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
4 against that victim;

5 (15) the defendant committed an offense related to the
6 activities of an organized gang. For the purposes of this
7 factor, "organized gang" has the meaning ascribed to it in
8 Section 10 of the Streetgang Terrorism Omnibus Prevention
9 Act;

10 (16) the defendant committed an offense in violation of
11 one of the following Sections while in a school, regardless
12 of the time of day or time of year; on any conveyance
13 owned, leased, or contracted by a school to transport
14 students to or from school or a school related activity; on
15 the real property of a school; or on a public way within
16 1,000 feet of the real property comprising any school:
17 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision
21 (a) (4) or (g) (1), of the Criminal Code of 1961;

22 (16.5) the defendant committed an offense in violation
23 of one of the following Sections while in a day care
24 center, regardless of the time of day or time of year; on
25 the real property of a day care center, regardless of the
26 time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care
2 center, regardless of the time of day or time of year:
3 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
6 18-2, or 33A-2, or Section 12-3.05 except for subdivision
7 (a) (4) or (g) (1), of the Criminal Code of 1961;

8 (17) the defendant committed the offense by reason of
9 any person's activity as a community policing volunteer or
10 to prevent any person from engaging in activity as a
11 community policing volunteer. For the purpose of this
12 Section, "community policing volunteer" has the meaning
13 ascribed to it in Section 2-3.5 of the Criminal Code of
14 1961;

15 (18) the defendant committed the offense in a nursing
16 home or on the real property comprising a nursing home. For
17 the purposes of this paragraph (18), "nursing home" means a
18 skilled nursing or intermediate long term care facility
19 that is subject to license by the Illinois Department of
20 Public Health under the Nursing Home Care Act or the MR/DD
21 Community Care Act;

22 (19) the defendant was a federally licensed firearm
23 dealer and was previously convicted of a violation of
24 subsection (a) of Section 3 of the Firearm Owners
25 Identification Card Act and has now committed either a
26 felony violation of the Firearm Owners Identification Card

1 Act or an act of armed violence while armed with a firearm;

2 (20) the defendant (i) committed the offense of
3 reckless homicide under Section 9-3 of the Criminal Code of
4 1961 or the offense of driving under the influence of
5 alcohol, other drug or drugs, intoxicating compound or
6 compounds or any combination thereof under Section 11-501
7 of the Illinois Vehicle Code or a similar provision of a
8 local ordinance and (ii) was operating a motor vehicle in
9 excess of 20 miles per hour over the posted speed limit as
10 provided in Article VI of Chapter 11 of the Illinois
11 Vehicle Code;

12 (21) the defendant (i) committed the offense of
13 reckless driving or aggravated reckless driving under
14 Section 11-503 of the Illinois Vehicle Code and (ii) was
15 operating a motor vehicle in excess of 20 miles per hour
16 over the posted speed limit as provided in Article VI of
17 Chapter 11 of the Illinois Vehicle Code;

18 (22) the defendant committed the offense against a
19 person that the defendant knew, or reasonably should have
20 known, was a member of the Armed Forces of the United
21 States serving on active duty. For purposes of this clause
22 (22), the term "Armed Forces" means any of the Armed Forces
23 of the United States, including a member of any reserve
24 component thereof or National Guard unit called to active
25 duty;

26 (23) the defendant committed the offense against a

1 person who was elderly, disabled, or infirm by taking
2 advantage of a family or fiduciary relationship with the
3 elderly, disabled, or infirm person; ~~or~~

4 (24) the defendant committed any offense under Section
5 11-20.1 of the Criminal Code of 1961 and possessed 100 or
6 more images; ~~or~~

7 (25) the defendant committed the offense while the
8 defendant or the victim was in a train, bus, or other
9 vehicle used for public transportation; or-

10 (26) ~~(25)~~ the defendant committed the offense of child
11 pornography or aggravated child pornography, specifically
12 including paragraph (1), (2), (3), (4), (5), or (7) of
13 subsection (a) of Section 11-20.1 of the Criminal Code of
14 1961 where a child engaged in, solicited for, depicted in,
15 or posed in any act of sexual penetration or bound,
16 fettered, or subject to sadistic, masochistic, or
17 sadomasochistic abuse in a sexual context and specifically
18 including paragraph (1), (2), (3), (4), (5), or (7) of
19 subsection (a) of Section 11-20.3 of the Criminal Code of
20 1961 where a child engaged in, solicited for, depicted in,
21 or posed in any act of sexual penetration or bound,
22 fettered, or subject to sadistic, masochistic, or
23 sadomasochistic abuse in a sexual context.

24 For the purposes of this Section:

25 "School" is defined as a public or private elementary or
26 secondary school, community college, college, or university.

1 "Day care center" means a public or private State certified
2 and licensed day care center as defined in Section 2.09 of the
3 Child Care Act of 1969 that displays a sign in plain view
4 stating that the property is a day care center.

5 "Public transportation" means the transportation or
6 conveyance of persons by means available to the general public,
7 and includes paratransit services.

8 (b) The following factors, related to all felonies, may be
9 considered by the court as reasons to impose an extended term
10 sentence under Section 5-8-2 upon any offender:

11 (1) When a defendant is convicted of any felony, after
12 having been previously convicted in Illinois or any other
13 jurisdiction of the same or similar class felony or greater
14 class felony, when such conviction has occurred within 10
15 years after the previous conviction, excluding time spent
16 in custody, and such charges are separately brought and
17 tried and arise out of different series of acts; or

18 (2) When a defendant is convicted of any felony and the
19 court finds that the offense was accompanied by
20 exceptionally brutal or heinous behavior indicative of
21 wanton cruelty; or

22 (3) When a defendant is convicted of any felony
23 committed against:

24 (i) a person under 12 years of age at the time of
25 the offense or such person's property;

26 (ii) a person 60 years of age or older at the time

1 of the offense or such person's property; or

2 (iii) a person physically handicapped at the time
3 of the offense or such person's property; or

4 (4) When a defendant is convicted of any felony and the
5 offense involved any of the following types of specific
6 misconduct committed as part of a ceremony, rite,
7 initiation, observance, performance, practice or activity
8 of any actual or ostensible religious, fraternal, or social
9 group:

10 (i) the brutalizing or torturing of humans or
11 animals;

12 (ii) the theft of human corpses;

13 (iii) the kidnapping of humans;

14 (iv) the desecration of any cemetery, religious,
15 fraternal, business, governmental, educational, or
16 other building or property; or

17 (v) ritualized abuse of a child; or

18 (5) When a defendant is convicted of a felony other
19 than conspiracy and the court finds that the felony was
20 committed under an agreement with 2 or more other persons
21 to commit that offense and the defendant, with respect to
22 the other individuals, occupied a position of organizer,
23 supervisor, financier, or any other position of management
24 or leadership, and the court further finds that the felony
25 committed was related to or in furtherance of the criminal
26 activities of an organized gang or was motivated by the

1 defendant's leadership in an organized gang; or

2 (6) When a defendant is convicted of an offense
3 committed while using a firearm with a laser sight attached
4 to it. For purposes of this paragraph, "laser sight" has
5 the meaning ascribed to it in Section 24.6-5 of the
6 Criminal Code of 1961; or

7 (7) When a defendant who was at least 17 years of age
8 at the time of the commission of the offense is convicted
9 of a felony and has been previously adjudicated a
10 delinquent minor under the Juvenile Court Act of 1987 for
11 an act that if committed by an adult would be a Class X or
12 Class 1 felony when the conviction has occurred within 10
13 years after the previous adjudication, excluding time
14 spent in custody; or

15 (8) When a defendant commits any felony and the
16 defendant used, possessed, exercised control over, or
17 otherwise directed an animal to assault a law enforcement
18 officer engaged in the execution of his or her official
19 duties or in furtherance of the criminal activities of an
20 organized gang in which the defendant is engaged.

21 (c) The following factors may be considered by the court as
22 reasons to impose an extended term sentence under Section 5-8-2
23 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

24 (1) When a defendant is convicted of first degree
25 murder, after having been previously convicted in Illinois
26 of any offense listed under paragraph (c) (2) of Section

1 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
2 within 10 years after the previous conviction, excluding
3 time spent in custody, and the charges are separately
4 brought and tried and arise out of different series of
5 acts.

6 (1.5) When a defendant is convicted of first degree
7 murder, after having been previously convicted of domestic
8 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
9 (720 ILCS 5/12-3.3) committed on the same victim or after
10 having been previously convicted of violation of an order
11 of protection (720 ILCS 5/12-30) in which the same victim
12 was the protected person.

13 (2) When a defendant is convicted of voluntary
14 manslaughter, second degree murder, involuntary
15 manslaughter, or reckless homicide in which the defendant
16 has been convicted of causing the death of more than one
17 individual.

18 (3) When a defendant is convicted of aggravated
19 criminal sexual assault or criminal sexual assault, when
20 there is a finding that aggravated criminal sexual assault
21 or criminal sexual assault was also committed on the same
22 victim by one or more other individuals, and the defendant
23 voluntarily participated in the crime with the knowledge of
24 the participation of the others in the crime, and the
25 commission of the crime was part of a single course of
26 conduct during which there was no substantial change in the

1 nature of the criminal objective.

2 (4) If the victim was under 18 years of age at the time
3 of the commission of the offense, when a defendant is
4 convicted of aggravated criminal sexual assault or
5 predatory criminal sexual assault of a child under
6 subsection (a)(1) of Section 12-14.1 of the Criminal Code
7 of 1961 (720 ILCS 5/12-14.1).

8 (5) When a defendant is convicted of a felony violation
9 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
10 5/24-1) and there is a finding that the defendant is a
11 member of an organized gang.

12 (6) When a defendant was convicted of unlawful use of
13 weapons under Section 24-1 of the Criminal Code of 1961
14 (720 ILCS 5/24-1) for possessing a weapon that is not
15 readily distinguishable as one of the weapons enumerated in
16 Section 24-1 of the Criminal Code of 1961 (720 ILCS
17 5/24-1).

18 (7) When a defendant is convicted of an offense
19 involving the illegal manufacture of a controlled
20 substance under Section 401 of the Illinois Controlled
21 Substances Act (720 ILCS 570/401), the illegal manufacture
22 of methamphetamine under Section 25 of the Methamphetamine
23 Control and Community Protection Act (720 ILCS 646/25), or
24 the illegal possession of explosives and an emergency
25 response officer in the performance of his or her duties is
26 killed or injured at the scene of the offense while

1 responding to the emergency caused by the commission of the
2 offense. In this paragraph, "emergency" means a situation
3 in which a person's life, health, or safety is in jeopardy;
4 and "emergency response officer" means a peace officer,
5 community policing volunteer, fireman, emergency medical
6 technician-ambulance, emergency medical
7 technician-intermediate, emergency medical
8 technician-paramedic, ambulance driver, other medical
9 assistance or first aid personnel, or hospital emergency
10 room personnel.

11 (d) For the purposes of this Section, "organized gang" has
12 the meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
15 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
16 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
17 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; revised 9-25-09.)

18 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

19 Sec. 5-8-4. Concurrent and consecutive terms of
20 imprisonment.

21 (a) Concurrent terms; multiple or additional sentences.
22 When an Illinois court (i) imposes multiple sentences of
23 imprisonment on a defendant at the same time or (ii) imposes a
24 sentence of imprisonment on a defendant who is already subject
25 to a sentence of imprisonment imposed by an Illinois court, a

1 court of another state, or a federal court, then the sentences
2 shall run concurrently unless otherwise determined by the
3 Illinois court under this Section.

4 (b) Concurrent terms; misdemeanor and felony. A defendant
5 serving a sentence for a misdemeanor who is convicted of a
6 felony and sentenced to imprisonment shall be transferred to
7 the Department of Corrections, and the misdemeanor sentence
8 shall be merged in and run concurrently with the felony
9 sentence.

10 (c) Consecutive terms; permissive. The court may impose
11 consecutive sentences in any of the following circumstances:

12 (1) If, having regard to the nature and circumstances
13 of the offense and the history and character of the
14 defendant, it is the opinion of the court that consecutive
15 sentences are required to protect the public from further
16 criminal conduct by the defendant, the basis for which the
17 court shall set forth in the record.

18 (2) If one of the offenses for which a defendant was
19 convicted was a violation of Section 32-5.2 (aggravated
20 false personation of a peace officer) of the Criminal Code
21 of 1961 (720 ILCS 5/32-5.2) and the offense was committed
22 in attempting or committing a forcible felony.

23 (d) Consecutive terms; mandatory. The court shall impose
24 consecutive sentences in each of the following circumstances:

25 (1) One of the offenses for which the defendant was
26 convicted was first degree murder or a Class X or Class 1

1 felony and the defendant inflicted severe bodily injury.

2 (2) The defendant was convicted of a violation of
3 Section 12-13 (criminal sexual assault), 12-14 (aggravated
4 criminal sexual assault), or 12-14.1 (predatory criminal
5 sexual assault of a child) of the Criminal Code of 1961
6 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

7 (3) The defendant was convicted of armed violence based
8 upon the predicate offense of any of the following:
9 solicitation of murder, solicitation of murder for hire,
10 heinous battery as described in Section 12-4.1 or
11 subdivision (a)(2) of Section 12-3.05, aggravated battery
12 of a senior citizen as described in Section 12-4.6 or
13 subdivision (a)(4) of Section 12-3.05, criminal sexual
14 assault, a violation of subsection (g) of Section 5 of the
15 Cannabis Control Act (720 ILCS 550/5), cannabis
16 trafficking, a violation of subsection (a) of Section 401
17 of the Illinois Controlled Substances Act (720 ILCS
18 570/401), controlled substance trafficking involving a
19 Class X felony amount of controlled substance under Section
20 401 of the Illinois Controlled Substances Act (720 ILCS
21 570/401), a violation of the Methamphetamine Control and
22 Community Protection Act (720 ILCS 646/), calculated
23 criminal drug conspiracy, or streetgang criminal drug
24 conspiracy.

25 (4) The defendant was convicted of the offense of
26 leaving the scene of a motor vehicle accident involving

1 death or personal injuries under Section 11-401 of the
2 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof under Section 11-501 of the
6 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
7 homicide under Section 9-3 of the Criminal Code of 1961
8 (720 ILCS 5/9-3), or (C) both an offense described in item
9 (A) and an offense described in item (B).

10 (5) The defendant was convicted of a violation of
11 Section 9-3.1 (concealment of homicidal death) or Section
12 12-20.5 (dismembering a human body) of the Criminal Code of
13 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

14 (5.5) The ~~(vi) the~~ defendant was convicted of a
15 violation of Section 24-3.7 (use of a stolen firearm in the
16 commission of an offense) of the Criminal Code of 1961. 7

17 (6) If the defendant was in the custody of the
18 Department of Corrections at the time of the commission of
19 the offense, the sentence shall be served consecutive to
20 the sentence under which the defendant is held by the
21 Department of Corrections. If, however, the defendant is
22 sentenced to punishment by death, the sentence shall be
23 executed at such time as the court may fix without regard
24 to the sentence under which the defendant may be held by
25 the Department.

26 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)

1 for escape or attempted escape shall be served consecutive
2 to the terms under which the offender is held by the
3 Department of Corrections.

4 (8) If a person charged with a felony commits a
5 separate felony while on pretrial release or in pretrial
6 detention in a county jail facility or county detention
7 facility, then the sentences imposed upon conviction of
8 these felonies shall be served consecutively regardless of
9 the order in which the judgments of conviction are entered.

10 (8.5) If a person commits a battery against a county
11 correctional officer or sheriff's employee while serving a
12 sentence or in pretrial detention in a county jail
13 facility, then the sentence imposed upon conviction of the
14 battery shall be served consecutively with the sentence
15 imposed upon conviction of the earlier misdemeanor or
16 felony, regardless of the order in which the judgments of
17 conviction are entered.

18 (9) If a person admitted to bail following conviction
19 of a felony commits a separate felony while free on bond or
20 if a person detained in a county jail facility or county
21 detention facility following conviction of a felony
22 commits a separate felony while in detention, then any
23 sentence following conviction of the separate felony shall
24 be consecutive to that of the original sentence for which
25 the defendant was on bond or detained.

26 (10) If a person is found to be in possession of an

1 item of contraband, as defined in clause (c) (2) of Section
2 31A-1.1 of the Criminal Code of 1961, while serving a
3 sentence in a county jail or while in pre-trial detention
4 in a county jail, the sentence imposed upon conviction for
5 the offense of possessing contraband in a penal institution
6 shall be served consecutively to the sentence imposed for
7 the offense in which the person is serving sentence in the
8 county jail or serving pretrial detention, regardless of
9 the order in which the judgments of conviction are entered.

10 (e) Consecutive terms; subsequent non-Illinois term. If an
11 Illinois court has imposed a sentence of imprisonment on a
12 defendant and the defendant is subsequently sentenced to a term
13 of imprisonment by a court of another state or a federal court,
14 then the Illinois sentence shall run consecutively to the
15 sentence imposed by the court of the other state or the federal
16 court. That same Illinois court, however, may order that the
17 Illinois sentence run concurrently with the sentence imposed by
18 the court of the other state or the federal court, but only if
19 the defendant applies to that same Illinois court within 30
20 days after the sentence imposed by the court of the other state
21 or the federal court is finalized.

22 (f) Consecutive terms; aggregate maximums and minimums.
23 The aggregate maximum and aggregate minimum of consecutive
24 sentences shall be determined as follows:

25 (1) For sentences imposed under law in effect prior to
26 February 1, 1978, the aggregate maximum of consecutive

1 sentences shall not exceed the maximum term authorized
2 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
3 Chapter V for the 2 most serious felonies involved. The
4 aggregate minimum period of consecutive sentences shall
5 not exceed the highest minimum term authorized under
6 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
7 V for the 2 most serious felonies involved. When sentenced
8 only for misdemeanors, a defendant shall not be
9 consecutively sentenced to more than the maximum for one
10 Class A misdemeanor.

11 (2) For sentences imposed under the law in effect on or
12 after February 1, 1978, the aggregate of consecutive
13 sentences for offenses that were committed as part of a
14 single course of conduct during which there was no
15 substantial change in the nature of the criminal objective
16 shall not exceed the sum of the maximum terms authorized
17 under Section 5-8-2 (730 ILCS 5/5-8-2) for the 2 most
18 serious felonies involved, but no such limitation shall
19 apply for offenses that were not committed as part of a
20 single course of conduct during which there was no
21 substantial change in the nature of the criminal objective.
22 When sentenced only for misdemeanors, a defendant shall not
23 be consecutively sentenced to more than the maximum for one
24 Class A misdemeanor.

25 (g) Consecutive terms; manner served. In determining the
26 manner in which consecutive sentences of imprisonment, one or

1 more of which is for a felony, will be served, the Department
2 of Corrections shall treat the defendant as though he or she
3 had been committed for a single term subject to each of the
4 following:

5 (1) The maximum period of a term of imprisonment shall
6 consist of the aggregate of the maximums of the imposed
7 indeterminate terms, if any, plus the aggregate of the
8 imposed determinate sentences for felonies, plus the
9 aggregate of the imposed determinate sentences for
10 misdemeanors, subject to subsection (f) of this Section.

11 (2) The parole or mandatory supervised release term
12 shall be as provided in paragraph (e) of Section 5-4.5-50
13 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
14 involved.

15 (3) The minimum period of imprisonment shall be the
16 aggregate of the minimum and determinate periods of
17 imprisonment imposed by the court, subject to subsection
18 (f) of this Section.

19 (4) The defendant shall be awarded credit against the
20 aggregate maximum term and the aggregate minimum term of
21 imprisonment for all time served in an institution since
22 the commission of the offense or offenses and as a
23 consequence thereof at the rate specified in Section 3-6-3
24 (730 ILCS 5/3-6-3).

25 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;
26 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

1 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

2 Sec. 5-8A-2. Definitions. As used in this Article:

3 (A) "Approved electronic monitoring device" means a device
4 approved by the supervising authority which is primarily
5 intended to record or transmit information as to the
6 defendant's presence or nonpresence in the home.

7 An approved electronic monitoring device may record or
8 transmit: oral or wire communications or an auditory sound;
9 visual images; or information regarding the offender's
10 activities while inside the offender's home. These devices are
11 subject to the required consent as set forth in Section 5-8A-5
12 of this Article.

13 An approved electronic monitoring device may be used to
14 record a conversation between the participant and the
15 monitoring device, or the participant and the person
16 supervising the participant solely for the purpose of
17 identification and not for the purpose of eavesdropping or
18 conducting any other illegally intrusive monitoring.

19 (B) "Excluded offenses" means first degree murder, escape,
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, criminal sexual assault, aggravated
22 battery with a firearm as described in Section 12-4.2 or
23 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section
24 12-3.05, bringing or possessing a firearm, ammunition or
25 explosive in a penal institution, any "Super-X" drug offense or

1 calculated criminal drug conspiracy or streetgang criminal
2 drug conspiracy, or any predecessor or successor offenses with
3 the same or substantially the same elements, or any inchoate
4 offenses relating to the foregoing offenses.

5 (C) "Home detention" means the confinement of a person
6 convicted or charged with an offense to his or her place of
7 residence under the terms and conditions established by the
8 supervising authority.

9 (D) "Participant" means an inmate or offender placed into
10 an electronic monitoring program.

11 (E) "Supervising authority" means the Department of
12 Corrections, probation supervisory authority, sheriff,
13 superintendent of municipal house of corrections or any other
14 officer or agency charged with authorizing and supervising home
15 detention.

16 (F) "Super-X drug offense" means a violation of Section
17 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
18 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
19 (C), or (D) of the Illinois Controlled Substances Act.

20 (Source: P.A. 88-311; 89-428, eff. 12-13-95; 89-462, eff.
21 5-29-96; 89-498, eff. 6-27-96.)

22 (730 ILCS 5/5-9-1.16)

23 Sec. 5-9-1.16. Protective order violation fees.

24 (a) There shall be added to every penalty imposed in
25 sentencing for a violation of an order of protection under

1 Section 12-3.4 or 12-30 of the Criminal Code of 1961 an
2 additional fee to be set in an amount not less than \$200 to be
3 imposed upon a plea of guilty or finding of guilty resulting in
4 a judgment of conviction.

5 (b) Such additional amount shall be assessed by the court
6 imposing sentence and shall be collected by the Circuit Clerk
7 in addition to the fine, if any, and costs in the case to be
8 used by the supervising authority in implementing the domestic
9 violence surveillance program. The clerk of the circuit court
10 shall pay all monies collected from this fee to the county
11 treasurer for deposit in the probation and court services fund
12 under Section 15.1 of the Probation and Probations Officers
13 Act.

14 (c) The supervising authority of a domestic violence
15 surveillance program under Section 5-8A-7 of this Act shall
16 assess a person either convicted of, or charged with, the
17 violation of an order of protection an additional fee to cover
18 the costs of providing the equipment used and the additional
19 supervision needed for such domestic violence surveillance
20 program. If the court finds that the fee would impose an undue
21 burden on the victim, the court may reduce or waive the fee.
22 The court shall order that the defendant may not use funds
23 belonging solely to the victim of the offense for payment of
24 the fee.

25 When the supervising authority is the court or the
26 probation and court services department, the fee shall be

1 collected by the circuit court clerk. The clerk of the circuit
2 court shall pay all monies collected from this fee and all
3 other required probation fees that are assessed to the county
4 treasurer for deposit in the probation and court services fund
5 under Section 15.1 of the Probation and Probations Officers
6 Act. In counties with a population of 2 million or more, when
7 the supervising authority is the court or the probation and
8 court services department, the fee shall be collected by the
9 supervising authority. In these counties, the supervising
10 authority shall pay all monies collected from this fee and all
11 other required probation fees that are assessed, to the county
12 treasurer for deposit in the probation and court services fund
13 under Section 15.1 of the Probation and Probation Officers Act.

14 When the supervising authority is the Department of
15 Corrections, the Department shall collect the fee for deposit
16 into the Illinois Department of Corrections "fund". The Circuit
17 Clerk shall retain 10% of such penalty and deposit that
18 percentage into the Circuit Court Clerk Operation and
19 Administrative Fund to cover the costs incurred in
20 administering and enforcing this Section.

21 (d) (Blank).

22 (e) (Blank).

23 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

24 Section 975. The Secure Residential Youth Care Facility
25 Licensing Act is amended by changing Section 45-30 as follows:

1 (730 ILCS 175/45-30)

2 Sec. 45-30. License or employment eligibility.

3 (a) No applicant may receive a license from the Department
4 and no person may be employed by a licensed facility who
5 refuses to authorize an investigation as required by Section
6 45-25.

7 (b) No applicant may receive a license from the Department
8 and no person may be employed by a secure residential youth
9 care facility licensed by the Department who has been declared
10 a sexually dangerous person under the Sexually Dangerous
11 Persons Act or convicted of committing or attempting to commit
12 any of the following offenses under the Criminal Code of 1961:

13 (1) First degree murder.

14 (2) A sex offense under Article 11, except offenses
15 described in Sections 11-7, 11-8, 11-12, 11-13 and 11-18.

16 (3) Kidnapping.

17 (4) Aggravated kidnapping.

18 (5) Child abduction.

19 (6) Aggravated battery of a child as described in
20 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05.

21 (7) Criminal sexual assault.

22 (8) Aggravated criminal sexual assault.

23 (8.1) Predatory criminal sexual assault of a child.

24 (9) Criminal sexual abuse.

25 (10) Aggravated criminal sexual abuse.

1 (11) A federal offense or an offense in any other state
2 the elements of which are similar to any of the foregoing
3 offenses.

4 (Source: P.A. 88-680, eff. 1-1-95; 89-428, eff. 12-13-95;
5 89-462, eff. 5-29-96.)

6 Section 980. The Crime Victims Compensation Act is amended
7 by changing Section 2 as follows:

8 (740 ILCS 45/2) (from Ch. 70, par. 72)

9 Sec. 2. Definitions. As used in this Act, unless the
10 context otherwise requires:

11 (a) "Applicant" means any person who applies for
12 compensation under this Act or any person the Court of Claims
13 finds is entitled to compensation, including the guardian of a
14 minor or of a person under legal disability. It includes any
15 person who was a dependent of a deceased victim of a crime of
16 violence for his or her support at the time of the death of
17 that victim.

18 (b) "Court of Claims" means the Court of Claims created by
19 the Court of Claims Act.

20 (c) "Crime of violence" means and includes any offense
21 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-11, 11-19.2,
22 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-3.4, 12-4,
23 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
24 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1.

1 or Section 12-3.05 except for subdivision (a)(4) or (g)(1), of
2 the Criminal Code of 1961, Sections 1(a) and 1(a-5) of the
3 Cemetery Protection Act, driving under the influence of
4 intoxicating liquor or narcotic drugs as defined in Section
5 11-501 of the Illinois Vehicle Code, and a violation of Section
6 11-401 of the Illinois Vehicle Code, provided the victim was a
7 pedestrian or was operating a vehicle moved solely by human
8 power or a mobility device at the time of contact; so long as
9 the offense did not occur during a civil riot, insurrection or
10 rebellion. "Crime of violence" does not include any other
11 offense or accident involving a motor vehicle except those
12 vehicle offenses specifically provided for in this paragraph.
13 "Crime of violence" does include all of the offenses
14 specifically provided for in this paragraph that occur within
15 this State but are subject to federal jurisdiction and crimes
16 involving terrorism as defined in 18 U.S.C. 2331.

17 (d) "Victim" means (1) a person killed or injured in this
18 State as a result of a crime of violence perpetrated or
19 attempted against him or her, (2) the parent of a person killed
20 or injured in this State as a result of a crime of violence
21 perpetrated or attempted against the person, (3) a person
22 killed or injured in this State while attempting to assist a
23 person against whom a crime of violence is being perpetrated or
24 attempted, if that attempt of assistance would be expected of a
25 reasonable person under the circumstances, (4) a person killed
26 or injured in this State while assisting a law enforcement

1 official apprehend a person who has perpetrated a crime of
2 violence or prevent the perpetration of any such crime if that
3 assistance was in response to the express request of the law
4 enforcement official, (5) a person who personally witnessed a
5 violent crime, (5.1) solely for the purpose of compensating for
6 pecuniary loss incurred for psychological treatment of a mental
7 or emotional condition caused or aggravated by the crime, any
8 other person under the age of 18 who is the brother, sister,
9 half brother, half sister, child, or stepchild of a person
10 killed or injured in this State as a result of a crime of
11 violence, (6) an Illinois resident who is a victim of a "crime
12 of violence" as defined in this Act except, if the crime
13 occurred outside this State, the resident has the same rights
14 under this Act as if the crime had occurred in this State upon
15 a showing that the state, territory, country, or political
16 subdivision of a country in which the crime occurred does not
17 have a compensation of victims of crimes law for which that
18 Illinois resident is eligible, (7) a deceased person whose body
19 is dismembered or whose remains are desecrated as the result of
20 a crime of violence, or (8) solely for the purpose of
21 compensating for pecuniary loss incurred for psychological
22 treatment of a mental or emotional condition caused or
23 aggravated by the crime, any parent, spouse, or child under the
24 age of 18 of a deceased person whose body is dismembered or
25 whose remains are desecrated as the result of a crime of
26 violence.

1 (e) "Dependent" means a relative of a deceased victim who
2 was wholly or partially dependent upon the victim's income at
3 the time of his or her death and shall include the child of a
4 victim born after his or her death.

5 (f) "Relative" means a spouse, parent, grandparent,
6 stepfather, stepmother, child, grandchild, brother,
7 brother-in-law, sister, sister-in-law, half brother, half
8 sister, spouse's parent, nephew, niece, uncle or aunt.

9 (g) "Child" means an unmarried son or daughter who is under
10 18 years of age and includes a stepchild, an adopted child or a
11 child born out of wedlock.

12 (h) "Pecuniary loss" means, in the case of injury,
13 appropriate medical expenses and hospital expenses including
14 expenses of medical examinations, rehabilitation, medically
15 required nursing care expenses, appropriate psychiatric care
16 or psychiatric counseling expenses, expenses for care or
17 counseling by a licensed clinical psychologist, licensed
18 clinical social worker, or licensed clinical professional
19 counselor and expenses for treatment by Christian Science
20 practitioners and nursing care appropriate thereto;
21 transportation expenses to and from medical and treatment
22 facilities; prosthetic appliances, eyeglasses, and hearing
23 aids necessary or damaged as a result of the crime; replacement
24 costs for clothing and bedding used as evidence; costs
25 associated with temporary lodging or relocation necessary as a
26 result of the crime, including, but not limited to, the first

1 month's rent and security deposit of the dwelling that the
2 claimant relocated to and other reasonable relocation expenses
3 incurred as a result of the violent crime; locks or windows
4 necessary or damaged as a result of the crime; the purchase,
5 lease, or rental of equipment necessary to create usability of
6 and accessibility to the victim's real and personal property,
7 or the real and personal property which is used by the victim,
8 necessary as a result of the crime; the costs of appropriate
9 crime scene clean-up; replacement services loss, to a maximum
10 of \$1000 per month; dependents replacement services loss, to a
11 maximum of \$1000 per month; loss of tuition paid to attend
12 grammar school or high school when the victim had been enrolled
13 as a student prior to the injury, or college or graduate school
14 when the victim had been enrolled as a day or night student
15 prior to the injury when the victim becomes unable to continue
16 attendance at school as a result of the crime of violence
17 perpetrated against him or her; loss of earnings, loss of
18 future earnings because of disability resulting from the
19 injury, and, in addition, in the case of death, expenses for
20 funeral, burial, and travel and transport for survivors of
21 homicide victims to secure bodies of deceased victims and to
22 transport bodies for burial all of which may not exceed a
23 maximum of \$5,000 and loss of support of the dependents of the
24 victim; in the case of dismemberment or desecration of a body,
25 expenses for funeral and burial, all of which may not exceed a
26 maximum of \$5,000. Loss of future earnings shall be reduced by

1 any income from substitute work actually performed by the
2 victim or by income he or she would have earned in available
3 appropriate substitute work he or she was capable of performing
4 but unreasonably failed to undertake. Loss of earnings, loss of
5 future earnings and loss of support shall be determined on the
6 basis of the victim's average net monthly earnings for the 6
7 months immediately preceding the date of the injury or on \$1000
8 per month, whichever is less. If a divorced or legally
9 separated applicant is claiming loss of support for a minor
10 child of the deceased, the amount of support for each child
11 shall be based either on the amount of support pursuant to the
12 judgment prior to the date of the deceased victim's injury or
13 death, or, if the subject of pending litigation filed by or on
14 behalf of the divorced or legally separated applicant prior to
15 the injury or death, on the result of that litigation. Real and
16 personal property includes, but is not limited to, vehicles,
17 houses, apartments, town houses, or condominiums. Pecuniary
18 loss does not include pain and suffering or property loss or
19 damage.

20 (i) "Replacement services loss" means expenses reasonably
21 incurred in obtaining ordinary and necessary services in lieu
22 of those the injured person would have performed, not for
23 income, but for the benefit of himself or herself or his or her
24 family, if he or she had not been injured.

25 (j) "Dependents replacement services loss" means loss
26 reasonably incurred by dependents or private legal guardians of

1 minor dependents after a victim's death in obtaining ordinary
2 and necessary services in lieu of those the victim would have
3 performed, not for income, but for their benefit, if he or she
4 had not been fatally injured.

5 (k) "Survivor" means immediate family including a parent,
6 step-father, step-mother, child, brother, sister, or spouse.
7 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10.)

8 Section 985. The Illinois Marriage and Dissolution of
9 Marriage Act is amended by changing Section 503 as follows:

10 (750 ILCS 5/503) (from Ch. 40, par. 503)

11 Sec. 503. Disposition of property.

12 (a) For purposes of this Act, "marital property" means all
13 property acquired by either spouse subsequent to the marriage,
14 except the following, which is known as "non-marital property":

15 (1) property acquired by gift, legacy or descent;

16 (2) property acquired in exchange for property
17 acquired before the marriage or in exchange for property
18 acquired by gift, legacy or descent;

19 (3) property acquired by a spouse after a judgment of
20 legal separation;

21 (4) property excluded by valid agreement of the
22 parties;

23 (5) any judgment or property obtained by judgment
24 awarded to a spouse from the other spouse;

1 (6) property acquired before the marriage;

2 (7) the increase in value of property acquired by a
3 method listed in paragraphs (1) through (6) of this
4 subsection, irrespective of whether the increase results
5 from a contribution of marital property, non-marital
6 property, the personal effort of a spouse, or otherwise,
7 subject to the right of reimbursement provided in
8 subsection (c) of this Section; and

9 (8) income from property acquired by a method listed in
10 paragraphs (1) through (7) of this subsection if the income
11 is not attributable to the personal effort of a spouse.

12 (b) (1) For purposes of distribution of property pursuant to
13 this Section, all property acquired by either spouse after the
14 marriage and before a judgment of dissolution of marriage or
15 declaration of invalidity of marriage, including non-marital
16 property transferred into some form of co-ownership between the
17 spouses, is presumed to be marital property, regardless of
18 whether title is held individually or by the spouses in some
19 form of co-ownership such as joint tenancy, tenancy in common,
20 tenancy by the entirety, or community property. The presumption
21 of marital property is overcome by a showing that the property
22 was acquired by a method listed in subsection (a) of this
23 Section.

24 (2) For purposes of distribution of property pursuant to
25 this Section, all pension benefits (including pension benefits
26 under the Illinois Pension Code) acquired by either spouse

1 after the marriage and before a judgment of dissolution of
2 marriage or declaration of invalidity of the marriage are
3 presumed to be marital property, regardless of which spouse
4 participates in the pension plan. The presumption that these
5 pension benefits are marital property is overcome by a showing
6 that the pension benefits were acquired by a method listed in
7 subsection (a) of this Section. The right to a division of
8 pension benefits in just proportions under this Section is
9 enforceable under Section 1-119 of the Illinois Pension Code.

10 The value of pension benefits in a retirement system
11 subject to the Illinois Pension Code shall be determined in
12 accordance with the valuation procedures established by the
13 retirement system.

14 The recognition of pension benefits as marital property and
15 the division of those benefits pursuant to a Qualified Illinois
16 Domestic Relations Order shall not be deemed to be a
17 diminishment, alienation, or impairment of those benefits. The
18 division of pension benefits is an allocation of property in
19 which each spouse has a species of common ownership.

20 (3) For purposes of distribution of property under this
21 Section, all stock options granted to either spouse after the
22 marriage and before a judgment of dissolution of marriage or
23 declaration of invalidity of marriage, whether vested or
24 non-vested or whether their value is ascertainable, are
25 presumed to be marital property. This presumption of marital
26 property is overcome by a showing that the stock options were

1 acquired by a method listed in subsection (a) of this Section.
2 The court shall allocate stock options between the parties at
3 the time of the judgment of dissolution of marriage or
4 declaration of invalidity of marriage recognizing that the
5 value of the stock options may not be then determinable and
6 that the actual division of the options may not occur until a
7 future date. In making the allocation between the parties, the
8 court shall consider, in addition to the factors set forth in
9 subsection (d) of this Section, the following:

10 (i) All circumstances underlying the grant of the stock
11 option including but not limited to whether the grant was
12 for past, present, or future efforts, or any combination
13 thereof.

14 (ii) The length of time from the grant of the option to
15 the time the option is exercisable.

16 (c) Commingled marital and non-marital property shall be
17 treated in the following manner, unless otherwise agreed by the
18 spouses:

19 (1) When marital and non-marital property are
20 commingled by contributing one estate of property into
21 another resulting in a loss of identity of the contributed
22 property, the classification of the contributed property
23 is transmuted to the estate receiving the contribution,
24 subject to the provisions of paragraph (2) of this
25 subsection; provided that if marital and non-marital
26 property are commingled into newly acquired property

1 resulting in a loss of identity of the contributing
2 estates, the commingled property shall be deemed
3 transmuted to marital property, subject to the provisions
4 of paragraph (2) of this subsection.

5 (2) When one estate of property makes a contribution to
6 another estate of property, or when a spouse contributes
7 personal effort to non-marital property, the contributing
8 estate shall be reimbursed from the estate receiving the
9 contribution notwithstanding any transmutation; provided,
10 that no such reimbursement shall be made with respect to a
11 contribution which is not retraceable by clear and
12 convincing evidence, or was a gift, or, in the case of a
13 contribution of personal effort of a spouse to non-marital
14 property, unless the effort is significant and results in
15 substantial appreciation of the non-marital property.
16 Personal effort of a spouse shall be deemed a contribution
17 by the marital estate. The court may provide for
18 reimbursement out of the marital property to be divided or
19 by imposing a lien against the non-marital property which
20 received the contribution.

21 (d) In a proceeding for dissolution of marriage or
22 declaration of invalidity of marriage, or in a proceeding for
23 disposition of property following dissolution of marriage by a
24 court which lacked personal jurisdiction over the absent spouse
25 or lacked jurisdiction to dispose of the property, the court
26 shall assign each spouse's non-marital property to that spouse.

1 It also shall divide the marital property without regard to
2 marital misconduct in just proportions considering all
3 relevant factors, including:

4 (1) the contribution of each party to the acquisition,
5 preservation, or increase or decrease in value of the
6 marital or non-marital property, including (i) any such
7 decrease attributable to a payment deemed to have been an
8 advance from the parties' marital estate under subsection
9 (c-1)(2) of Section 501 and (ii) the contribution of a
10 spouse as a homemaker or to the family unit;

11 (2) the dissipation by each party of the marital or
12 non-marital property;

13 (3) the value of the property assigned to each spouse;

14 (4) the duration of the marriage;

15 (5) the relevant economic circumstances of each spouse
16 when the division of property is to become effective,
17 including the desirability of awarding the family home, or
18 the right to live therein for reasonable periods, to the
19 spouse having custody of the children;

20 (6) any obligations and rights arising from a prior
21 marriage of either party;

22 (7) any antenuptial agreement of the parties;

23 (8) the age, health, station, occupation, amount and
24 sources of income, vocational skills, employability,
25 estate, liabilities, and needs of each of the parties;

26 (9) the custodial provisions for any children;

1 (10) whether the apportionment is in lieu of or in
2 addition to maintenance;

3 (11) the reasonable opportunity of each spouse for
4 future acquisition of capital assets and income; and

5 (12) the tax consequences of the property division upon
6 the respective economic circumstances of the parties.

7 (e) Each spouse has a species of common ownership in the
8 marital property which vests at the time dissolution
9 proceedings are commenced and continues only during the
10 pendency of the action. Any such interest in marital property
11 shall not encumber that property so as to restrict its
12 transfer, assignment or conveyance by the title holder unless
13 such title holder is specifically enjoined from making such
14 transfer, assignment or conveyance.

15 (f) In a proceeding for dissolution of marriage or
16 declaration of invalidity of marriage or in a proceeding for
17 disposition of property following dissolution of marriage by a
18 court that lacked personal jurisdiction over the absent spouse
19 or lacked jurisdiction to dispose of the property, the court,
20 in determining the value of the marital and non-marital
21 property for purposes of dividing the property, shall value the
22 property as of the date of trial or some other date as close to
23 the date of trial as is practicable.

24 (g) The court if necessary to protect and promote the best
25 interests of the children may set aside a portion of the
26 jointly or separately held estates of the parties in a separate

1 fund or trust for the support, maintenance, education, physical
2 and mental health, and general welfare of any minor, dependent,
3 or incompetent child of the parties. In making a determination
4 under this subsection, the court may consider, among other
5 things, the conviction of a party of any of the offenses set
6 forth in Section 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13,
7 12-14, 12-14.1, 12-15, or 12-16, or Section 12-3.05 except for
8 subdivision (a)(4) or (g)(1), of the Criminal Code of 1961 if
9 the victim is a child of one or both of the parties, and there
10 is a need for, and cost of, care, healing and counseling for
11 the child who is the victim of the crime.

12 (h) Unless specifically directed by a reviewing court, or
13 upon good cause shown, the court shall not on remand consider
14 any increase or decrease in the value of any "marital" or
15 "non-marital" property occurring since the assessment of such
16 property at the original trial or hearing, but shall use only
17 that assessment made at the original trial or hearing.

18 (i) The court may make such judgments affecting the marital
19 property as may be just and may enforce such judgments by
20 ordering a sale of marital property, with proceeds therefrom to
21 be applied as determined by the court.

22 (j) After proofs have closed in the final hearing on all
23 other issues between the parties (or in conjunction with the
24 final hearing, if all parties so stipulate) and before judgment
25 is entered, a party's petition for contribution to fees and
26 costs incurred in the proceeding shall be heard and decided, in

1 accordance with the following provisions:

2 (1) A petition for contribution, if not filed before
3 the final hearing on other issues between the parties,
4 shall be filed no later than 30 days after the closing of
5 proofs in the final hearing or within such other period as
6 the court orders.

7 (2) Any award of contribution to one party from the
8 other party shall be based on the criteria for division of
9 marital property under this Section 503 and, if maintenance
10 has been awarded, on the criteria for an award of
11 maintenance under Section 504.

12 (3) The filing of a petition for contribution shall not
13 be deemed to constitute a waiver of the attorney-client
14 privilege between the petitioning party and current or
15 former counsel; and such a waiver shall not constitute a
16 prerequisite to a hearing for contribution. If either
17 party's presentation on contribution, however, includes
18 evidence within the scope of the attorney-client
19 privilege, the disclosure or disclosures shall be narrowly
20 construed and shall not be deemed by the court to
21 constitute a general waiver of the privilege as to matters
22 beyond the scope of the presentation.

23 (4) No finding on which a contribution award is based
24 or denied shall be asserted against counsel or former
25 counsel for purposes of any hearing under subsection (c) or
26 (e) of Section 508.

1 (5) A contribution award (payable to either the
2 petitioning party or the party's counsel, or jointly, as
3 the court determines) may be in the form of either a set
4 dollar amount or a percentage of fees and costs (or a
5 portion of fees and costs) to be subsequently agreed upon
6 by the petitioning party and counsel or, alternatively,
7 thereafter determined in a hearing pursuant to subsection
8 (c) of Section 508 or previously or thereafter determined
9 in an independent proceeding under subsection (e) of
10 Section 508.

11 (6) The changes to this Section 503 made by this
12 amendatory Act of 1996 apply to cases pending on or after
13 June 1, 1997, except as otherwise provided in Section 508.
14 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10.)

15 Section 990. The Illinois Domestic Violence Act of 1986 is
16 amended by changing Sections 103, 223, and 301 as follows:

17 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

18 Sec. 103. Definitions. For the purposes of this Act, the
19 following terms shall have the following meanings:

20 (1) "Abuse" means physical abuse, harassment, intimidation
21 of a dependent, interference with personal liberty or willful
22 deprivation but does not include reasonable direction of a
23 minor child by a parent or person in loco parentis.

24 (2) "Adult with disabilities" means an elder adult with

1 disabilities or a high-risk adult with disabilities. A person
2 may be an adult with disabilities for purposes of this Act even
3 though he or she has never been adjudicated an incompetent
4 adult. However, no court proceeding may be initiated or
5 continued on behalf of an adult with disabilities over that
6 adult's objection, unless such proceeding is approved by his or
7 her legal guardian, if any.

8 (3) "Domestic violence" means abuse as defined in paragraph
9 (1).

10 (4) "Elder adult with disabilities" means an adult
11 prevented by advanced age from taking appropriate action to
12 protect himself or herself from abuse by a family or household
13 member.

14 (5) "Exploitation" means the illegal, including tortious,
15 use of a high-risk adult with disabilities or of the assets or
16 resources of a high-risk adult with disabilities. Exploitation
17 includes, but is not limited to, the misappropriation of assets
18 or resources of a high-risk adult with disabilities by undue
19 influence, by breach of a fiduciary relationship, by fraud,
20 deception, or extortion, or the use of such assets or resources
21 in a manner contrary to law.

22 (6) "Family or household members" include spouses, former
23 spouses, parents, children, stepchildren and other persons
24 related by blood or by present or prior marriage, persons who
25 share or formerly shared a common dwelling, persons who have or
26 allegedly have a child in common, persons who share or

1 allegedly share a blood relationship through a child, persons
2 who have or have had a dating or engagement relationship,
3 persons with disabilities and their personal assistants, and
4 caregivers as defined in Section 12-4.4a or paragraph (3) of
5 subsection (b) of Section 12-21 of the Criminal Code of 1961.
6 For purposes of this paragraph, neither a casual
7 acquaintanceship nor ordinary fraternization between 2
8 individuals in business or social contexts shall be deemed to
9 constitute a dating relationship. In the case of a high-risk
10 adult with disabilities, "family or household members"
11 includes any person who has the responsibility for a high-risk
12 adult as a result of a family relationship or who has assumed
13 responsibility for all or a portion of the care of a high-risk
14 adult with disabilities voluntarily, or by express or implied
15 contract, or by court order.

16 (7) "Harassment" means knowing conduct which is not
17 necessary to accomplish a purpose that is reasonable under the
18 circumstances; would cause a reasonable person emotional
19 distress; and does cause emotional distress to the petitioner.
20 Unless the presumption is rebutted by a preponderance of the
21 evidence, the following types of conduct shall be presumed to
22 cause emotional distress:

23 (i) creating a disturbance at petitioner's place of
24 employment or school;

25 (ii) repeatedly telephoning petitioner's place of
26 employment, home or residence;

1 (iii) repeatedly following petitioner about in a
2 public place or places;

3 (iv) repeatedly keeping petitioner under surveillance
4 by remaining present outside his or her home, school, place
5 of employment, vehicle or other place occupied by
6 petitioner or by peering in petitioner's windows;

7 (v) improperly concealing a minor child from
8 petitioner, repeatedly threatening to improperly remove a
9 minor child of petitioner's from the jurisdiction or from
10 the physical care of petitioner, repeatedly threatening to
11 conceal a minor child from petitioner, or making a single
12 such threat following an actual or attempted improper
13 removal or concealment, unless respondent was fleeing an
14 incident or pattern of domestic violence; or

15 (vi) threatening physical force, confinement or
16 restraint on one or more occasions.

17 (8) "High-risk adult with disabilities" means a person aged
18 18 or over whose physical or mental disability impairs his or
19 her ability to seek or obtain protection from abuse, neglect,
20 or exploitation.

21 (9) "Interference with personal liberty" means committing
22 or threatening physical abuse, harassment, intimidation or
23 willful deprivation so as to compel another to engage in
24 conduct from which she or he has a right to abstain or to
25 refrain from conduct in which she or he has a right to engage.

26 (10) "Intimidation of a dependent" means subjecting a

1 person who is dependent because of age, health or disability to
2 participation in or the witnessing of: physical force against
3 another or physical confinement or restraint of another which
4 constitutes physical abuse as defined in this Act, regardless
5 of whether the abused person is a family or household member.

6 (11) (A) "Neglect" means the failure to exercise that
7 degree of care toward a high-risk adult with disabilities which
8 a reasonable person would exercise under the circumstances and
9 includes but is not limited to:

10 (i) the failure to take reasonable steps to protect a
11 high-risk adult with disabilities from acts of abuse;

12 (ii) the repeated, careless imposition of unreasonable
13 confinement;

14 (iii) the failure to provide food, shelter, clothing,
15 and personal hygiene to a high-risk adult with disabilities
16 who requires such assistance;

17 (iv) the failure to provide medical and rehabilitative
18 care for the physical and mental health needs of a
19 high-risk adult with disabilities; or

20 (v) the failure to protect a high-risk adult with
21 disabilities from health and safety hazards.

22 (B) Nothing in this subsection (10) shall be construed to
23 impose a requirement that assistance be provided to a high-risk
24 adult with disabilities over his or her objection in the
25 absence of a court order, nor to create any new affirmative
26 duty to provide support to a high-risk adult with disabilities.

1 (12) "Order of protection" means an emergency order,
2 interim order or plenary order, granted pursuant to this Act,
3 which includes any or all of the remedies authorized by Section
4 214 of this Act.

5 (13) "Petitioner" may mean not only any named petitioner
6 for the order of protection and any named victim of abuse on
7 whose behalf the petition is brought, but also any other person
8 protected by this Act.

9 (14) "Physical abuse" includes sexual abuse and means any
10 of the following:

11 (i) knowing or reckless use of physical force,
12 confinement or restraint;

13 (ii) knowing, repeated and unnecessary sleep
14 deprivation; or

15 (iii) knowing or reckless conduct which creates an
16 immediate risk of physical harm.

17 (14.5) "Stay away" means for the respondent to refrain from
18 both physical presence and nonphysical contact with the
19 petitioner whether direct, indirect (including, but not
20 limited to, telephone calls, mail, email, faxes, and written
21 notes), or through third parties who may or may not know about
22 the order of protection.

23 (15) "Willful deprivation" means wilfully denying a person
24 who because of age, health or disability requires medication,
25 medical care, shelter, accessible shelter or services, food,
26 therapeutic device, or other physical assistance, and thereby

1 exposing that person to the risk of physical, mental or
2 emotional harm, except with regard to medical care or treatment
3 when the dependent person has expressed an intent to forgo such
4 medical care or treatment. This paragraph does not create any
5 new affirmative duty to provide support to dependent persons.

6 (Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

7 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

8 Sec. 223. Enforcement of orders of protection.

9 (a) When violation is crime. A violation of any order of
10 protection, whether issued in a civil or criminal proceeding,
11 shall be enforced by a criminal court when:

12 (1) The respondent commits the crime of violation of an
13 order of protection pursuant to Section 12-3.4 or 12-30 of
14 the Criminal Code of 1961, by having knowingly violated:

15 (i) remedies described in paragraphs (1), (2),
16 (3), (14), or (14.5) of subsection (b) of Section 214
17 of this Act; or

18 (ii) a remedy, which is substantially similar to
19 the remedies authorized under paragraphs (1), (2),
20 (3), (14), and (14.5) of subsection (b) of Section 214
21 of this Act, in a valid order of protection which is
22 authorized under the laws of another state, tribe, or
23 United States territory; or

24 (iii) any other remedy when the act constitutes a
25 crime against the protected parties as defined by the

1 Criminal Code of 1961.

2 Prosecution for a violation of an order of protection
3 shall not bar concurrent prosecution for any other crime,
4 including any crime that may have been committed at the
5 time of the violation of the order of protection; or

6 (2) The respondent commits the crime of child abduction
7 pursuant to Section 10-5 of the Criminal Code of 1961, by
8 having knowingly violated:

9 (i) remedies described in paragraphs (5), (6) or
10 (8) of subsection (b) of Section 214 of this Act; or

11 (ii) a remedy, which is substantially similar to
12 the remedies authorized under paragraphs (5), (6), or
13 (8) of subsection (b) of Section 214 of this Act, in a
14 valid order of protection which is authorized under the
15 laws of another state, tribe, or United States
16 territory.

17 (b) When violation is contempt of court. A violation of any
18 valid Illinois order of protection, whether issued in a civil
19 or criminal proceeding, may be enforced through civil or
20 criminal contempt procedures, as appropriate, by any court with
21 jurisdiction, regardless where the act or acts which violated
22 the order of protection were committed, to the extent
23 consistent with the venue provisions of this Act. Nothing in
24 this Act shall preclude any Illinois court from enforcing any
25 valid order of protection issued in another state. Illinois
26 courts may enforce orders of protection through both criminal

1 prosecution and contempt proceedings, unless the action which
2 is second in time is barred by collateral estoppel or the
3 constitutional prohibition against double jeopardy.

4 (1) In a contempt proceeding where the petition for a
5 rule to show cause sets forth facts evidencing an immediate
6 danger that the respondent will flee the jurisdiction,
7 conceal a child, or inflict physical abuse on the
8 petitioner or minor children or on dependent adults in
9 petitioner's care, the court may order the attachment of
10 the respondent without prior service of the rule to show
11 cause or the petition for a rule to show cause. Bond shall
12 be set unless specifically denied in writing.

13 (2) A petition for a rule to show cause for violation
14 of an order of protection shall be treated as an expedited
15 proceeding.

16 (c) Violation of custody or support orders. A violation of
17 remedies described in paragraphs (5), (6), (8), or (9) of
18 subsection (b) of Section 214 of this Act may be enforced by
19 any remedy provided by Section 611 of the Illinois Marriage and
20 Dissolution of Marriage Act. The court may enforce any order
21 for support issued under paragraph (12) of subsection (b) of
22 Section 214 in the manner provided for under Parts V and VII of
23 the Illinois Marriage and Dissolution of Marriage Act.

24 (d) Actual knowledge. An order of protection may be
25 enforced pursuant to this Section if the respondent violates
26 the order after the respondent has actual knowledge of its

1 contents as shown through one of the following means:

2 (1) By service, delivery, or notice under Section 210.

3 (2) By notice under Section 210.1 or 211.

4 (3) By service of an order of protection under Section
5 222.

6 (4) By other means demonstrating actual knowledge of
7 the contents of the order.

8 (e) The enforcement of an order of protection in civil or
9 criminal court shall not be affected by either of the
10 following:

11 (1) The existence of a separate, correlative order,
12 entered under Section 215.

13 (2) Any finding or order entered in a conjoined
14 criminal proceeding.

15 (f) Circumstances. The court, when determining whether or
16 not a violation of an order of protection has occurred, shall
17 not require physical manifestations of abuse on the person of
18 the victim.

19 (g) Penalties.

20 (1) Except as provided in paragraph (3) of this
21 subsection, where the court finds the commission of a crime
22 or contempt of court under subsections (a) or (b) of this
23 Section, the penalty shall be the penalty that generally
24 applies in such criminal or contempt proceedings, and may
25 include one or more of the following: incarceration,
26 payment of restitution, a fine, payment of attorneys' fees

1 and costs, or community service.

2 (2) The court shall hear and take into account evidence
3 of any factors in aggravation or mitigation before deciding
4 an appropriate penalty under paragraph (1) of this
5 subsection.

6 (3) To the extent permitted by law, the court is
7 encouraged to:

8 (i) increase the penalty for the knowing violation
9 of any order of protection over any penalty previously
10 imposed by any court for respondent's violation of any
11 order of protection or penal statute involving
12 petitioner as victim and respondent as defendant;

13 (ii) impose a minimum penalty of 24 hours
14 imprisonment for respondent's first violation of any
15 order of protection; and

16 (iii) impose a minimum penalty of 48 hours
17 imprisonment for respondent's second or subsequent
18 violation of an order of protection

19 unless the court explicitly finds that an increased penalty
20 or that period of imprisonment would be manifestly unjust.

21 (4) In addition to any other penalties imposed for a
22 violation of an order of protection, a criminal court may
23 consider evidence of any violations of an order of
24 protection:

25 (i) to increase, revoke or modify the bail bond on
26 an underlying criminal charge pursuant to Section

1 110-6 of the Code of Criminal Procedure of 1963;

2 (ii) to revoke or modify an order of probation,
3 conditional discharge or supervision, pursuant to
4 Section 5-6-4 of the Unified Code of Corrections;

5 (iii) to revoke or modify a sentence of periodic
6 imprisonment, pursuant to Section 5-7-2 of the Unified
7 Code of Corrections.

8 (5) In addition to any other penalties, the court shall
9 impose an additional fine of \$20 as authorized by Section
10 5-9-1.11 of the Unified Code of Corrections upon any person
11 convicted of or placed on supervision for a violation of an
12 order of protection. The additional fine shall be imposed
13 for each violation of this Section.

14 (Source: P.A. 95-331, eff. 8-21-07.)

15 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

16 Sec. 301. Arrest without warrant.

17 (a) Any law enforcement officer may make an arrest without
18 warrant if the officer has probable cause to believe that the
19 person has committed or is committing any crime, including but
20 not limited to violation of an order of protection, under
21 Section 12-3.4 or 12-30 of the Criminal Code of 1961, even if
22 the crime was not committed in the presence of the officer.

23 (b) The law enforcement officer may verify the existence of
24 an order of protection by telephone or radio communication with
25 his or her law enforcement agency or by referring to the copy

1 of the order provided by the petitioner or respondent.

2 (c) Any law enforcement officer may make an arrest without
3 warrant if the officer has reasonable grounds to believe a
4 defendant at liberty under the provisions of subdivision (d) (1)
5 or (d) (2) of Section 110-10 of the Code of Criminal Procedure
6 of 1963 has violated a condition of his or her bail bond or
7 recognizance.

8 (Source: P.A. 88-624, eff. 1-1-95.)

9 Section 995. The Probate Act of 1975 is amended by changing
10 Sections 2-6.2 and 2-6.6 as follows:

11 (755 ILCS 5/2-6.2)

12 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an
13 elderly person or a person with a disability.

14 (a) In this Section:

15 "Abuse" means any offense described in Section 12-21 or
16 subsection (b) of Section 12-4.4a of the Criminal Code of 1961.

17 "Financial exploitation" means any offense described in
18 Section 16-1.3 of the Criminal Code of 1961.

19 "Neglect" means any offense described in Section 12-19 or
20 subsection (a) of Section 12-4.4a of the Criminal Code of 1961.

21 (b) Persons convicted of financial exploitation, abuse, or
22 neglect of an elderly person or a person with a disability
23 shall not receive any property, benefit, or other interest by
24 reason of the death of that elderly person or person with a

1 disability, whether as heir, legatee, beneficiary, survivor,
2 appointee, claimant under Section 18-1.1, or in any other
3 capacity and whether the property, benefit, or other interest
4 passes pursuant to any form of title registration, testamentary
5 or nontestamentary instrument, intestacy, renunciation, or any
6 other circumstance. The property, benefit, or other interest
7 shall pass as if the person convicted of the financial
8 exploitation, abuse, or neglect died before the decedent,
9 provided that with respect to joint tenancy property the
10 interest possessed prior to the death by the person convicted
11 of the financial exploitation, abuse, or neglect shall not be
12 diminished by the application of this Section. Notwithstanding
13 the foregoing, a person convicted of financial exploitation,
14 abuse, or neglect of an elderly person or a person with a
15 disability shall be entitled to receive property, a benefit, or
16 an interest in any capacity and under any circumstances
17 described in this subsection (b) if it is demonstrated by clear
18 and convincing evidence that the victim of that offense knew of
19 the conviction and subsequent to the conviction expressed or
20 ratified his or her intent to transfer the property, benefit,
21 or interest to the person convicted of financial exploitation,
22 abuse, or neglect of an elderly person or a person with a
23 disability in any manner contemplated by this subsection (b).

24 (c) (1) The holder of any property subject to the
25 provisions of this Section shall not be liable for
26 distributing or releasing the property to the person

1 convicted of financial exploitation, abuse, or neglect of
2 an elderly person or a person with a disability if the
3 distribution or release occurs prior to the conviction.

4 (2) If the holder is a financial institution, trust
5 company, trustee, or similar entity or person, the holder
6 shall not be liable for any distribution or release of the
7 property, benefit, or other interest to the person
8 convicted of a violation of Section 12-19, 12-21, or
9 16-1.3, or subsection (a) or (b) of Section 12-4.4a, of the
10 Criminal Code of 1961 unless the holder knowingly
11 distributes or releases the property, benefit, or other
12 interest to the person so convicted after first having
13 received actual written notice of the conviction in
14 sufficient time to act upon the notice.

15 (d) If the holder of any property subject to the provisions
16 of this Section knows that a potential beneficiary has been
17 convicted of financial exploitation, abuse, or neglect of an
18 elderly person or a person with a disability within the scope
19 of this Section, the holder shall fully cooperate with law
20 enforcement authorities and judicial officers in connection
21 with any investigation of the financial exploitation, abuse, or
22 neglect. If the holder is a person or entity that is subject to
23 regulation by a regulatory agency pursuant to the laws of this
24 or any other state or pursuant to the laws of the United
25 States, including but not limited to the business of a
26 financial institution, corporate fiduciary, or insurance

1 company, then such person or entity shall not be deemed to be
2 in violation of this Section to the extent that privacy laws
3 and regulations applicable to such person or entity prevent it
4 from voluntarily providing law enforcement authorities or
5 judicial officers with information.

6 (Source: P.A. 95-315, eff. 1-1-08.)

7 (755 ILCS 5/2-6.6)

8 Sec. 2-6.6. Person convicted of certain offenses against
9 the elderly or disabled. A person who is convicted of a
10 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
11 or (b) of Section 12-4.4a, of the Criminal Code of 1961 may not
12 receive any property, benefit, or other interest by reason of
13 the death of the victim of that offense, whether as heir,
14 legatee, beneficiary, joint tenant, tenant by the entirety,
15 survivor, appointee, or in any other capacity and whether the
16 property, benefit, or other interest passes pursuant to any
17 form of title registration, testamentary or nontestamentary
18 instrument, intestacy, renunciation, or any other
19 circumstance. The property, benefit, or other interest shall
20 pass as if the person convicted of a violation of Section
21 12-19, 12-21, or 16-1.3, or subsection (a) or (b) of Section
22 12-4.4a, of the Criminal Code of 1961 died before the decedent;
23 provided that with respect to joint tenancy property or
24 property held in tenancy by the entirety, the interest
25 possessed prior to the death by the person convicted may not be

1 diminished by the application of this Section. Notwithstanding
2 the foregoing, a person convicted of a violation of Section
3 12-19, 12-21, or 16-1.3, or subsection (a) or (b) of Section
4 12-4.4a, of the Criminal Code of 1961 shall be entitled to
5 receive property, a benefit, or an interest in any capacity and
6 under any circumstances described in this Section if it is
7 demonstrated by clear and convincing evidence that the victim
8 of that offense knew of the conviction and subsequent to the
9 conviction expressed or ratified his or her intent to transfer
10 the property, benefit, or interest to the person convicted of a
11 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
12 or (b) of Section 12-4.4a, of the Criminal Code of 1961 in any
13 manner contemplated by this Section.

14 The holder of any property subject to the provisions of
15 this Section is not liable for distributing or releasing the
16 property to the person convicted of violating Section 12-19,
17 12-21, or 16-1.3, or subsection (a) or (b) of Section 12-4.4a,
18 of the Criminal Code of 1961.

19 If the holder is a financial institution, trust company,
20 trustee, or similar entity or person, the holder shall not be
21 liable for any distribution or release of the property,
22 benefit, or other interest to the person convicted of a
23 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
24 or (b) of Section 12-4.4a, of the Criminal Code of 1961 unless
25 the holder knowingly distributes or releases the property,
26 benefit, or other interest to the person so convicted after

1 first having received actual written notice of the conviction
2 in sufficient time to act upon the notice.

3 The Department of State Police shall have access to State
4 of Illinois databases containing information that may help in
5 the identification or location of persons convicted of the
6 offenses enumerated in this Section. Interagency agreements
7 shall be implemented, consistent with security and procedures
8 established by the State agency and consistent with the laws
9 governing the confidentiality of the information in the
10 databases. Information shall be used only for administration of
11 this Section.

12 (Source: P.A. 93-301, eff. 1-1-04.)

13 Article 95.

14 Section 9995. No acceleration or delay. Where this Act
15 makes changes in a statute that is represented in this Act by
16 text that is not yet or no longer in effect (for example, a
17 Section represented by multiple versions), the use of that text
18 does not accelerate or delay the taking effect of (i) the
19 changes made by this Act or (ii) provisions derived from any
20 other Public Act.

21 Article 99.

22 Section 9999. Effective date. This Act takes effect January

1 1, 2011.".